

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND - CRIMINAL TERM PART 12

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THE PEOPLE OF THE STATE OF NEW YORK

-against-

TALIYAH TAYLOR,

Defendant.

-----X

HEARING
IND. #335/06

Richmond Supreme Court
18 Richmond Terrace
Staten Island, N.Y.
September 29, 2008

09 APR 21 P 2:53

SUPREME COURT
RICHMOND COUNTY
STATEN ISLAND, N.Y.

B E F O R E:

HONORABLE ROBERT COLLINI,

Justice of the Supreme Court

A P P E A R A N C E S:

DANIEL DONOVAN, ESQ.
District Attorney - Richmond County
BY: MARIO MATTEI, ESQ.
JANET SILVERS, ESQ.
Assistant District Attorneys

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NANETTE CANTWELL
Senior Court Reporter

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THE CLERK: Shall we bring out the
defendant, your Honor?

THE COURT: Yes.

THE CLERK: Calendar number one,
Indictment 335 of 2006, Taliyah Taylor.
Counsel, appearances, please.

MR. RENFROE: Christopher Renfroe, 118-35
Queens Boulevard, Forest Hills, New York, for Miss
Taylor.

MR. MATTEI: Mario Mattei and Janet
Silvers for the People.

Judge, I have Rosario material --

THE COURT: Mr. Renfroe, sit down if your
back hurts.

MR. MATTEI: I have some Rosario material
I'll put on the record.

THE COURT: Yes.

MR. MATTEI: Judge, I've turned over the
following items. I've given Mr. Renfroe a copy of
the following Rosario material: A DD5 from
Detective John Signorelli; Grand Jury testimony
from Detective John Signorelli, pages 14 to 26; five
pages of a steno book notation with regard to the
statement that Miss Taylor made from Detective
Signorelli; the front page of a PD-301 form, again

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by Detective Signorelli.

For Police Officer Bartel I've turned over his memo book which consists of, I believe, six pages, counting the cover and the Miranda warning sheet. I've turned over Police Officer Bartel's Grand Jury testimony; voucher number N135238; an arrest report by Police Officer Bartel; an intoxicated driver examination sheet; an intoxicated driver examination sheet, which is designated sheet number one, and sheet number two was the same form; the complaint report worksheet; a request for a laboratory analysis; a consent form; the intoxicated driver examination instruction sheet; a chemical test analysis form; a technician test report and the arresting officers IDTU form, which I believe constitutes all the Rosario material for the hearing, your Honor.

THE COURT: For the purposes of the Huntley hearing today? These were handed over for the purpose of the Huntley hearing?

MR. MATTEI: Yes, your Honor.

THE COURT: Acknowledge receipt?

MR. RENFROE: Yes, your Honor, I received them.

THE COURT: Are both sides ready to

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1
2 proceed for the Huntley hearing?

3 MR. MATTEI: Yes, your Honor.

4 MR. RENFROE: Yes, your Honor.

5 THE COURT: Just before we begin as a
6 matter of preliminary, what exactly is the statement
7 and did the defense receive notice?

8 MR. MATTEI: Judge, there are two
9 statements basically from Police Officers Bartel.
10 It's the questions involved in the intoxicated
11 driver examination sheet, some pedigree information,
12 the consent for the blood test, and that's
13 basically the extent of it with Officer Bartel,
14 your Honor.

15 THE COURT: Why would pedigree be part of
16 this hearing? Why is pedigree information part of
17 the hearing?

18 MR. MATTEI: Well, it's part of the
19 hearing because she gave false pedigree information
20 at first.

21 THE COURT: Even so --

22 MR. MATTEI: Judge, I'm giving you the
23 entire statement.

24 THE COURT: All right.

25 MR. MATTEI: For Detective Signorelli
26 it's the statement contained in the DD5, which Mr.

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1
2 Renfroe got with the voluntary disclosure form,
3 which basically details a lot of the defendant's
4 life and with regard to the incident in question
5 that she was driving the car. She was driving it
6 as fast as she could, as fast as the car would take
7 her. She saw the man crossing street and then he
8 was gone and she recalls hitting the red car and it
9 overturning, but there's a lot more detail about
10 her life history and her life story.

11 THE COURT: What I was asking for is --
12 my understanding is there was a notice pursuant to
13 710.30 (1a) to three statements: One made October
14 18, 2006 at 11:50 at St. Vincent's; one made on
15 October 19, 2006 at approximately 5:15 a.m. at St.
16 Vincent's; and one on October 19, 2006 at
17 approximately 2 a.m. at St. Vincent's. Are those
18 the three statements?

19 MR. MATTEI: Yes, your Honor.

20 THE COURT: Thank you.

21 Counsel, you acknowledge receipt of the
22 notice?

23 MR. RENFROE: Yes.

24 THE COURT: Ready to proceed?

25 MR. RENFROE: Ready to proceed.

26 MR. MATTEI: Yes.

1 Bartel - Direct/Mattei 6

2 THE COURT: Call your first witness.

3 MR. MATTEI: The People call Police

4 Officer William Bartel.

5 POLICE OFFICER W-I-L-L-I-A-M B-A-R-T-E-L, having been
6 called as a witness by and on behalf of the People,
7 having been duly sworn by the clerk of the court,
8 was examined and testified as follows:

9 THE CLERK: Please be seated.

10 THE COURT: Counsel, approach.

11 Officer, please step out for a moment.

12 (Whereupon, the witness leaves the
13 courtroom.)

14 (Whereupon, an off the record discussion
15 was held at the bench among the Court and counsel,
16 after which the proceedings continued as follows:)

17 THE CLERK: Ready for the witness, your
18 Honor?

19 THE COURT: Yes.

20 (Whereupon, the witness enters the
21 courtroom and resumes the witness stand, after
22 which the proceedings continued as follows:)

23 THE CLERK: Please be seated, officer.

24 For the record, please state your name,
25 spell your last name, give your shield number and
26 your command.

1 Bartel - Direct/Mattei 7

2 THE WITNESS: William Bartel, B-A-R-T-E-L,
3 Shield number 5168, Highway Patrol Unit Number
4 5.

5 THE COURT: Shield number?

6 THE WITNESS: 5168.

7 THE COURT: Highway Patrol?

8 THE WITNESS: Yes, sir.

9 THE COURT: Counsel?

10 MR. MATTEI: May I inquire, your Honor?

11 THE COURT: Yes.

12 DIRECT EXAMINATION

13 BY MR. MATTEI:

14 Q Officer --

15 THE COURT: One second.

16 Slowly and clearly because I'm taking
17 notes and I don't write that fast.

18 Counsel?

19 MR. MATTEI: Thank you.

20 Q Officer Bartel, how long have you been on the
21 New York City Police Department?

22 A Almost eighteen and a half years.

23 Q And how long have you been at the highway
24 district?

25 A Highway 5, I've been there for just about
26 three and a half years.

1 Bartel - Direct/Mattei 8

2 Q And where did you work before that?

3 A Highway 2 for about six or seven months.

4 Q And how about before that?

5 A Fourteen years I did in the lower east side,
6 7th precinct.

7 Q I'd like to direct your attention to October
8 18 of 2006 and ask if were you working on that day.

9 A Yes, I was.

10 Q And what was your tour of duty?

11 A It was 2100 by 0535, which is nine o'clock at
12 night until 5:35 in the morning.

13 Q And what type of assignment did you have that
14 day?

15 A DWI enforcement.

16 Q And what type of auto were you in?

17 A I was in a yellow taxi cab.

18 Q A decoy vehicle?

19 A Yes.

20 Q I'd like to direct your attention to
21 approximately 11:10 p.m. on the evening of the 18th and
22 ask if you went someplace at that time.

23 A Yes, I did.

24 Q And where did you go?

25 A To the parking lot at Lowe's on Forest
26 Avenue.

1 Bartel - Direct/Mattei 9

2 Q And why did you go there?

3 A There was a motor vehicle accident there.

4 Q And had you received a radio run?

5 A I had heard that there was one over there.

6 Q And where did you go when you got to that
7 parking lot?

8 A I went into the parking lot at Lowe's.

9 Q And what did you see when you got into the
10 parking lot at Lowe's?

11 A I saw an overturned Nissan Maxima and a patrol
12 car with a black female in the back seat.

13 Q Do you see that female in court today?

14 A Yes, I do.

15 Q Indicate her for record, what she's wearing,
16 please.

17 A She's sitting at the desk with, like, a
18 teal-colored T-shirt.

19 MR. MATTEI: Indicating the defendant,
20 your Honor?

21 THE COURT: So indicated.

22 Q What was the defendant doing in the back of
23 the car when you first saw her?

24 A She was attempting to kick the door open.

25 Q And did you observe her do anything else while
26 she was in the back seat of the car?

1 Bartel - Direct/Mattei 10

2 A She would kick the door open and then stop,
3 get calm, and then try to kick the door again.

4 Q Now, was Officer Granda at the scene as
5 well?

6 A Yes.

7 Q And at some point --

8 THE COURT: Officer who?

9 MR. MATTEI: Granda, G-R-A-N-D-A.

10 Q At some point did Officer Granda take the
11 defendant out of the RMP?

12 A Yes.

13 Q Can you tell us what he did with her at that
14 time?

15 A He asked her to take a portable breath
16 test.

17 Q And what is a portable breath test?

18 A It's a hand-held device where the defendant
19 would blow into it to register the blood alcohol
20 level.

21 Q Was the defendant standing at that time?

22 A Yes.

23 Q What was she wearing?

24 A She just had a blanket on her. Otherwise, she
25 was naked.

26 Q And did Officer Granda give her the portable

1 Bartel - Direct/Mattei 11

2 breath test?

3 A Yes.

4 Q And how did he do that? Just explain that.

5 A He asked the defendant to take a deep breath
6 and blow in the PBT until there's enough air to get a
7 reading.

8 Q After Officer Granda asked her to take a deep
9 breath and blow into the PBT, what did the defendant
10 do?

11 A She blew into the PBT.

12 Q She followed his directions?

13 A Yes.

14 Q Did she ask him any questions?

15 A No.

16 Q What was the result of that?

17 A 0-0-0.

18 Q And what does that indicate from your
19 experience?

20 A There was no alcoholic beverage on her
21 breath.

22 Q Did you speak to anyone at the scene?

23 A Yes, I did.

24 Q And what did they tell you?

25 MR. RENFROE: Objection, your Honor.

26 THE COURT: Sustained.

1 Bartel - Direct/Mattei 12

2 MR. RENFROE: I know hearsay is allowed --

3 THE COURT: Sustained.

4 MR. RENFROE: Just the question of who.

5 THE COURT: Sustained.

6 Q At some point did an ambulance arrive?

7 A Yes.

8 Q And did the defendant leave in an ambulance?

9 A Yes.

10 Q And what hospital did she go to?

11 A Richmond University Medical Center.

12 Q And did you ride in the ambulance with her?

13 A Yes, I did.

14 Q And while in the ambulance, did you take
15 pedigree information from the defendant?

16 A Yes, I did.

17 Q And what, if anything, did you ask her? Did
18 you ask her her name?

19 A Yes, I did.

20 Q And when you were in the ambulance, what did
21 she tell you?

22 A Can I get my memo book to look at?

23 THE COURT: If you need it to refresh your
24 recollection.

25 THE WITNESS: Yes.

26 (Short pause.)

1 Bartel - Direct/Mattei 13

2 A She told me her name was Tricia Matthews.

3 Q And did you ask her her address?

4 A She said 173 Pine Place.

5 Q And did she give you a zip code?

6 A 10303.

7 Q Did you ask her how old she was?

8 A Yes.

9 Q And what did she tell you?

10 A She told me she was eighteen.

11 Q Now, at some point in the ambulance did you
12 read the defendant her Miranda warnings?

13 A Yes, I did.

14 Q And where did you read them from?

15 A From my memo book.

16 MR. MATTEI: Judge, if I could have this
17 marked as Exhibit 1 for identification?

18 THE COURT: We'll deem it marked for
19 purposes of the hearing.

20 (Whereupon, the item mentioned above is
21 deemed marked as People's Exhibit 1 for
22 identification.)

23 THE COURT: What information did she give
24 you as far as pedigree was concerned?

25 THE WITNESS: That her name was Tricia
26 Matthews.

1 Bartel - Direct/Mattei 14

2 THE COURT: And what else?

3 THE WITNESS: That she was eighteen years
4 old, and her address.

5 THE COURT: Go ahead.

6 Q You recognize what's been deemed marked as
7 People's Exhibit number 1 --

8 A Yes.

9 Q -- for identification?

10 A Yes.

11 Q What is that?

12 A That is the Miranda warnings from my memo
13 book.

14 Q Is that an exact copy of the Miranda warnings
15 that you read?

16 A Yes.

17 MR. RENFROE: Just one moment, your Honor.

18 (Short pause.)

19 THE COURT: Counsel, anybody here going to
20 be one of your witnesses?

21 MR. MATTEI: Not offhand, judge. There's
22 no fact witnesses here except if someone identified
23 Mr. Simons' body.

24 THE COURT: That's my point. Maybe they
25 should step out too.

26 (Short pause.)

Bartel - Direct/Mattei

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THE COURT: Let the record reflect that several people entered the courtroom during questioning. Mr. Renfroe had indicated that there were people who were going to be in the courtroom -- he indicated at a bench conference shortly before we began that there were people who may be coming into the courtroom who would be trial witnesses, and his position was that they should be excluded in the hearing. The Court agreed with him.

Also, there were several witnesses that the People may call, and those people have been excluded from the courtroom too. These witnesses will be trial witnesses.

Now that they have been excluded, counsel, proceed.

MR. MATTEI: Yes, your Honor.

Q Officer, I'll ask you to look at what's been marked as People's Exhibit 1 or deemed marked as People's Exhibit 1 for identification and again ask you if you recognize that xerox copy?

A Yes, I do.

Q And what is that?

A That's the Miranda warnings from my memo book.

Bartel - Direct/Mattei

16

Q And is that a copy of the Miranda warnings from your memo book as you read them to Miss Taylor the evening of the 18th?

A Yes.

MR. MATTEI: Judge, I would ask that that be moved into evidence as Exhibit 1.

THE COURT: Counsel?

MR. RENFROE: No objection.

THE COURT: Deemed marked 1 in evidence.

(Whereupon, the item previously deemed marked for identification is deemed marked as People's Exhibit 1 in evidence.)

Q Officer, I'm going to ask you to read to us, as did you that evening, what you told the defendant and what, if anything, she responded to each question.

A Question number one: You have the right to remain silent and refuse to answer questions. Do you understand? She said yes.

Question number two: Anything you do say may be used against you in a court of law. Do you understand? She said yes.

You have the right to consult an attorney before speaking to the police and have an attorney present during any questioning now or in the future. Do you understand? She said yes.

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2 If you cannot afford an attorney, one will be
3 provided for you without cost? Do you understand? She
4 said yes.

5 If do you not have an attorney available, you
6 have the right to remain silent until you've had an
7 opportunity to consult with one. Do you understand? She
8 said yes.

9 Now that I have advised you of your rights,
10 are you willing to answer questions? She said yes.

11 Q And where did this take place that you read
12 her these warnings?

13 A In the ambulance.

14 Q And what was she doing at that time?

15 A She was laying on the gurney.

16 Q And was an ambulance --

17 THE COURT: I want to stop you for a
18 second.

19 When she was laying on the gurney, was she
20 strapped to the gurney?

21 THE WITNESS: She was on the backboard, I
22 believe.

23 THE COURT: Did she have restraints on
24 her?

25 THE WITNESS: She had handcuffs.

26 THE COURT: Not handcuffs. Was she

Bartel - Direct/Mattei

18

otherwise restrained?

THE WITNESS: I believe the ambulance crew straps them in so they don't fall off during transport.

THE COURT: You indicated she was in the back seat of the police car?

THE WITNESS: That's correct.

THE COURT: And she was kicking the door?

THE WITNESS: Yes.

THE COURT: Describe how she was kicking the door.

THE WITNESS: She was -- she turned around and her back legs were trying to kick the door open.

THE COURT: Was she kicking the glass too?

THE WITNESS: Yes.

THE COURT: And you let her out?

THE WITNESS: She would do that and then she would be calm. She would calm down. She would gaze off and then she'd try to kick the door and then she got calm.

THE COURT: When you took her out of the back seat of the police car, how was she behaving?

1 Bartel - Direct/Mattei 19

2 THE WITNESS: She wasn't agitated at that
3 time.

4 THE COURT: Was she agitated when the
5 ambulance came?

6 THE WITNESS: No.

7 THE COURT: Was she acting rationally or
8 did she appear to act rationally to you?

9 THE WITNESS: She was calm. She wasn't
10 combative at that point. When she was laid down on
11 the gurney, she wasn't combative at that point.

12 THE COURT: Continue, counsel.

13 Q Did she answer your questions right after you
14 asked them?

15 A Yes.

16 Q Did she have any hesitation in answering
17 them?

18 A No.

19 Q And again, was an ambulance attendant there?

20 A Yes, there was.

21 Q And after you read her her Miranda warnings,
22 did the ambulance attendant ask her questions in your
23 presence?

24 A Yes.

25 Q Did you ask her any further questions in the
26 ambulance?

1 Bartel - Direct/Mattei 20

2 A No, I did not.

3 Q Did she complain of any physical pain while in
4 the ambulance?

5 A Not that I remember.

6 Q And how about when she was standing outside
7 the police car, did she complain of any physical pain?

8 A Not that I remember.

9 THE COURT: Did she appear to be bleeding
10 in any way?

11 THE WITNESS: Maybe a scratch or two, but
12 I didn't see more than that.

13 THE COURT: Okay.

14 Her physical condition, could you describe
15 how she appeared to you.

16 THE WITNESS: She appeared incoherent at
17 times where she was, like, gazing off and she had
18 watery eyes.

19 THE COURT: She had watery eyes and
20 appeared to you to be incoherent at times?

21 THE WITNESS: At times, and then calm,
22 but when I asked her questions she answered them.

23 THE COURT: Did she appear to be coming in
24 and out of that incoherent state? Is that what she
25 appeared like to you?

26 THE WITNESS: I'm going to say that

1 Bartel - Direct/Mattei 21

2 she -- yeah, that she would be incoherent as if she
3 were gazing off, but then she was focused when
4 Officer Granda asked her to do that.

5 THE COURT: To do what?

6 THE WITNESS: Take the portable breath
7 test.

8 THE COURT: I'm talking about when she was
9 in the ambulance too.

10 THE WITNESS: In the ambulance when I
11 asked her the questions on the Miranda she answered
12 them quickly.

13 THE COURT: But she had the same
14 appearance, the dazing in and out?

15 THE WITNESS: She was just calm at that
16 point, just laying there.

17 THE COURT: And what did you mean then
18 when you said she was dazing in and out?

19 THE WITNESS: With the watery eyes, the
20 way she would look off when she was in the back of
21 the patrol car.

22 THE COURT: You said she was like that in
23 the ambulance. That's how she appeared to you in
24 the ambulance too. I want to know how she looked to
25 you in the ambulance.

26 THE WITNESS: She was laying down, and

Bartel - Direct/Mattei 22

when I asked her questions she answered them.

THE COURT: A few seconds ago you said she seemed to be dazed and dozing in and out. I want to know what you mean by that.

MR. MATTEI: I think it was dazing in and out, not dozing.

THE COURT: Thank you.

I still want to know what you meant by that.

THE WITNESS: Meaning she was just looking up in the ambulance.

THE COURT: Counsel, continue.

Q Other than the questions that you asked her, the Miranda warnings and the questions that the ambulance person asked her, was she saying anything, rambling on about anything at all?

A Not that I remember.

Q When you say dazed, do you mean that she was in the ambulance just laying there looking off? Is that what you mean?

A That's what I meant.

Q But when you asked her questions and when the ambulance attendant asked her questions, she responded right away?

A Yes.

1 Bartel - Direct/Mattei 23

2 THE COURT: When you said dazed, did you
3 say dazed meaning that she appeared to be on
4 drugs?

5 THE WITNESS: That's what I meant, yes.

6 THE COURT: And that was the whole dazing
7 in and out? That's what you meant, right, that she
8 appeared to be --

9 THE WITNESS: To be under the influence of
10 drugs, yes.

11 THE COURT: Continue, counsel.

12 Q With regard to her physical --

13 MR. MATTEI: Judge, if I could just
14 backtrack.

15 Q With regard to her physical condition, what
16 did people tell you at the scene with regard to what the
17 defendant did after she got out of the car, if I can
18 narrow it down?

19 A I was told that she was running around the
20 parking lot naked talking about lyrics from a rap
21 song.

22 Q As far as her physical condition, she was
23 running around?

24 A That's correct.

25 Q And, in fact, did you see a video of her
26 getting out of the car at some point after this night?

1 Bartel - Direct/Mattei 24

2 A No, I did not.

3 Q You haven't seen the video?

4 A No.

5 Q Now, did she have any ID with her?

6 A No.

7 Q Any pocketbook?

8 A No.

9 Q Now, tell us what happened when you got to the
10 hospital.

11 A I got to the hospital -- she apparently gave
12 somebody her social security number and the registrar
13 came and said that the social security number came back
14 to Taliyah Taylor.

15 Q And at that time did you -- up to that time
16 did you think her name was Tricia Matthews?

17 A Yes.

18 Q At that time did you then ask the defendant
19 for her pedigree information again?

20 A Yes.

21 Q And what, if anything, did she tell you?

22 A She told me that her date of birth was
23 February 28, 1982.

24 Q What did she tell you her name was?

25 A Taliyah Taylor.

26 Q Did she spell her name for you?

1 Bartel - Direct/Mattei 25

2 A Yes.

3 Q Did she give you an address?

4 A 173 Pine Place.

5 Q Did she give you a zip code?

6 A 10303.

7 Q So at that time you asked her what her name
8 was and she told you Taliyah Taylor?

9 A Yes.

10 Q And she spelled Taliyah for you?

11 A Yes.

12 Q Was there any hesitation in how she spelled
13 the name or in her answer to your question?

14 A No.

15 Q How about with regard to her address? Did she
16 give you the address or was there some hessitation?

17 A There was no hesitation.

18 Q And how about the zip code and the date of
19 birth? Any hesitation?

20 A No, sir.

21 THE COURT: I just want to ask you this,
22 officer.

23 Initially she told you one name, one
24 address, one age?

25 THE WITNESS: Yes.

26 THE COURT: When she went to the hospital

1 Bartel - Direct/Mattei 26

2 she gave a social security number to the people who
3 were admitting her into the hospital?

4 THE WITNESS: She gave it to somebody.
5 I'm not sure exactly who.

6 THE COURT: The people admitting her into
7 the hospital? Is that the people she gave the
8 number too?

9 THE WITNESS: Someone had that social
10 security number.

11 THE COURT: Somebody from the hospital?

12 MR. MATTEI: Well, judge, it could have
13 been the ambulance attendant.

14 THE COURT: Well, that's somebody from the
15 hospital.

16 She gave the social security number to the
17 other people in the hospital and then somebody else
18 came to you and told you that that social security
19 number did not match up to the name that you had?

20 THE WITNESS: That's correct.

21 THE COURT: And then did you immediately
22 tell that to the defendant?

23 THE WITNESS: Then I believe I asked
24 her what her name was and that's when --

25 THE COURT: Did you tell her that the name
26 doesn't match up to the one you gave us?

1 Bartel - Direct/Mattei 27

2 THE WITNESS: I believe that's what I told
3 her.

4 THE COURT: And then right after that she
5 said, Well, my name is the name -- did she admit her
6 name was the name that you have?

7 THE WITNESS: Taliyah Taylor.

8 THE COURT: And then she told you a
9 different address and a different age?

10 THE WITNESS: Well, the same address, but
11 different date of birth.

12 THE COURT: A different date of birth,
13 but it was the same address that she originally
14 gave you?

15 THE WITNESS: Yes.

16 THE COURT: Continue, counsel.

17 MR. MATTEI:

18 DIRECT EXAMINATION

19 BY MR. MATTEI: (Continued)

20 Q I'd like to direct your attention to 2350 in
21 military time, which is approximately 11:50 p.m., and ask
22 if at that time you asked the defendant to submit to a
23 blood test?

24 A That's correct.

25 Q And how did you do that?

26 A I read from a script.

1 Bartel - Direct/Mattei 28

2 Q And what did you read to her?

3 A Can I get the sheet out to refresh my memory?

4 THE COURT: Yes.

5 THE WITNESS: Thank you.

6 (Short pause.)

7 A I read to her: "You've been arrested for
8 operating a motor vehicle while under the influence of
9 alcohol or drugs. I would like you to take a blood test.
10 Will you take the test?"

11 Q What did she say?

12 A She said yes.

13 Q Was there any hesitation in her answer?

14 A No.

15 Q Was she coherent in your opinion?

16 A At that time I believe she was.

17 Q When you -- when she responded yes, that she
18 would take it, what's your next step? What did you do
19 next?

20 A I have to ask one of the nursing staff to draw
21 the blood.

22 Q And was the blood drawn at approximately
23 12:20?

24 A Approximately, yes, sir.

25 Q And did the defendant offer any resistance?

26 A No.

1 Bartel - Direct/Mattei 29

2 Q Now, prior to drawing the blood while the
3 nurse is there -- do you have what is called a consent
4 form in that kit?

5 A Yes.

6 Q And explain what the consent form is?

7 A The consent form is the defendant has to read
8 it, what it's saying, that they want the defendant to
9 give blood and that she agrees to willingly give blood,
10 and then she has to sign it.

11 Q Did you give her the consent form?

12 A Yes, I did.

13 Q Did she read it in front of you?

14 A Yes.

15 Q And then did she sign it?

16 A Yes.

17 Q And did she sign it in the appropriate
18 place?

19 A Yes.

20 THE COURT: Did she read it out loud in
21 front of you?

22 THE WITNESS: That, I don't remember.

23 Q Did she provide you with information again --

24 MR. MATTEI: Well, judge, if I could have
25 this deemed marked?

26 THE COURT: We'll deem it marked People's

1 Bartel - Direct/Mattei 30

2 2 for purposes of the hearing.

3 Show it to counsel, unless he has a copy
4 of it.

5 MR. RENFROE: I think I have a copy of it,
6 judge.

7 (Whereupon, the item mentioned above is
8 deemed marked as People's Exhibit 2 for
9 identification.)

10 Q Do you recognize People's Exhibit 2 for
11 identification?

12 A Yes.

13 Q Is that an exact copy of the consent form you
14 gave to the defendant?

15 A Yes.

16 Q And is that the one that she read and then
17 signed?

18 A Yes.

19 MR. MATTEI: Judge, I'll move that into
20 evidence as Exhibit 2 at this time.

21 THE COURT: Counsel?

22 MR. RENFROE: No objection, your Honor.

23 THE COURT: All right. Deemed marked 2
24 for purposes of the hearing.

25 (Whereupon, the item previously deemed for
26 identification is deemed marked as People's Exhibit

1 Bartel - Direct/Mattei 31

2 2 in evidence.)

3 Q What does the form say as far as where the
4 defendant is directed to read?

5 A It says, "I have granted permission for blood
6 samples to be taken."

7 Q And then she signed it?

8 A That's correct.

9 Q She signed it in the appropriate spot?

10 A Yes.

11 THE COURT: Can I see it and give me the
12 memo back too, the other item that we deemed
13 marked.

14 MR. MATTEI: That's over here, your Honor.
15 He doesn't have it.

16 (Handing to Court.)

17 Q And what was her physical condition like at
18 that time? Was she complaining of pain?

19 A No, not that I remember.

20 Q And did she appear to be alert to you at that
21 time?

22 A Yes.

23 Q Was she on any drugs at that time provided by
24 the hospital?

25 A Not that I know.

26 Q Did you leave the hospital and then return

1 Bartel - Direct/Mattei 32

2 sometime later?

3 A Yes, I did.

4 Q I'd like to direct your attention to

5 approximately 5:15 in the morning and ask if you had

6 occasion to meet with the defendant again at that time.

7 A Yes, I did.

8 Q And why did you meet with her at that time?

9 A To ask her the questions on the PD 244.

10 THE COURT: And that is?

11 THE WITNESS: The intoxicated driver
12 examination sheet.

13 THE COURT: Thank you.

14 MR. MATTEI: Judge, if I could have this
15 marked as People's Exhibit 3 for identification?
16 I've shown -- counsel has a copy.

17 (Whereupon, the item mentioned above is
18 deemed marked as People's Exhibit 3 for
19 identification.)

20 Q When you went back and spoke to Miss Taylor,
21 what, if anything, did you tell her when you reentered
22 the emergency room and spoke to her?

23 A That I had a list of questions to ask her and
24 that I reminded her that I had read her her Miranda
25 warnings earlier in the night and that if she wanted to
26 answer these questions, she could, and if she didn't, she

1 Bartel - Direct/Mattei 33

2 didn't have to.

3 THE COURT: When you say you reminded
4 her of the Miranda warnings, what exactly did you
5 say?

6 THE WITNESS: I reminded her of the
7 Miranda warnings, that I read her her rights
8 earlier, and if she wanted to answer the questions,
9 she could, and if she didn't want to, she didn't
10 have to.

11 THE COURT: You didn't really reread them
12 to her? You paraphrased them to her?

13 THE WITNESS: I just reminded her that I
14 read them to her. I didn't reread them to her.

15 THE COURT: What words did you say to her?
16 Did you say, Do you remember when I read your
17 Miranda warnings earlier?

18 THE WITNESS: I said --

19 THE COURT: What did you say?

20 THE WITNESS: I said, Do you recall I read
21 your Miranda warnings earlier?

22 THE COURT: Did you use the term Miranda
23 warnings?

24 THE WITNESS: Yes, I said I read you your
25 rights earlier. If you want to answer these
26 questions, you can answer them. If you don't, then

1 Bartel - Direct/Mattei 34

2 you don't have to.

3 THE COURT: Did you remind her of the
4 substance of the Miranda warnings; in other
5 words, that she would have a right to counsel,
6 et cetera?

7 THE WITNESS: Did I rephrase each
8 question? No, I did not.

9 THE COURT: You simply said I read you
10 your Miranda warnings, do you still want to talk to
11 me?

12 THE WITNESS: Yes. I believe in substance
13 that's what I said.

14 THE COURT: Thank you.

15 Continue, counsel.

16 Q Do you recognize what's been marked as exhibit
17 number 3 for identification?

18 A Yes.

19 Q What is that?

20 A This is the intoxicated driver examination
21 sheet.

22 Q And are those the questions that you asked the
23 defendant?

24 A Yes.

25 THE COURT: Just so I'm clear, what time
26 was it -- when you were initially in the ambulance,

1 Bartel - Direct/Mattei 35

2 what time was that?

3 THE WITNESS: Around 2330, around.

4 THE COURT: About 11:30?

5 THE WITNESS: About 11:30.

6 THE COURT: And that's when you initially
7 read the Miranda warnings to her?

8 THE WITNESS: That is correct, sir.

9 THE COURT: And those are the warnings
10 you're referring to when you said, I reminded her
11 that I read her her warnings before?

12 THE WITNESS: Correct.

13 THE COURT: Just so I'm clear, what was
14 her response to that?

15 THE WITNESS: That she'd answer the
16 questions.

17 THE COURT: Go ahead, counsel.

18 Q Did you record her answers to the intoxicated
19 drivers examination sheet as she gave them to you?

20 A Yes.

21 Q And that's what's depicted on People's
22 Exhibit -- included in exhibit number 3 for
23 identification?

24 A Correct.

25 MR. MATTEI: Judge, at this time I'll
26 move that into evidence as People's Exhibit number

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36

3.

THE COURT: Counsel?

MR. RENFROE: No objection.

THE COURT: Deemed marked 3 in evidence.

(Whereupon, the item previously deemed marked for identification is deemed marked as People's Exhibit 3 in evidence.)

THE COURT: For purposes of the hearing.

Q Officer, can you tell us what's contained on the top of the form?

A My information and the defendant's information.

Q And can you tell us whether this indicates that Miranda warnings were given or not given?

A There is a spot that says interrogation warnings given, yes, and the date and time.

Q And what's the date and time?

A The date is October 18, '06. The time is 2330. By whom? I wrote down A/O, which is arresting officer.

THE COURT: Was that you?

THE WITNESS: That was me.

THE COURT: And then?

Q And then you signed it?

A It says Bartel and I signed it.

1 Bartel - Direct/Mattei 37

2 Q And then did you fill in the date and time of
3 this question and answer session with the defendant?

4 A Yes, I did.

5 Q And when was that?

6 A 10/19/06 at 0515.

7 Q 5:15 a.m.?

8 A 5:15 a.m.

9 Q Now, can you tell us the first question that
10 you asked the defendant and what her answer was?

11 A "Were you driving this motor vehicle or
12 motorcycle? Yes."

13 Q And what was the next question?

14 A "Where were you going? To the light with my
15 dad."

16 "Where did you start from? Home. When did
17 you start? Daytime. Where are you now? St. Vincent's
18 Hospital. What time is it now? Hell no. Have you been
19 drinking or using intoxicants? Yes. If yes, what kind?"
20 She said, "One Heineken." Then I said, "Quantity? One
21 Ecstasy pill, one purple Haze, weed. Time you started?
22 Hell no."

23 I asked her what time you stopped? She didn't
24 give me an answer.

25 "Where did you drink intoxicants? The studio.
26 Have you been drinking intoxicants since the officer

1 Bartel - Direct/Mattei 38

2 first saw you? No. Have you been using drugs? Yes. If
3 yes, what kind? Ecstasy, purple haze, weed. Time you
4 started? No. Time you stopped?" She didn't give me an
5 answer.

6 Have you been using medication? No. When
7 did you last take medication or drugs? I don't remember.
8 When did you last eat? Today. What did you eat?
9 Lobster, crabs, clams, salad. How much sleep did you
10 have last night? I don't remember. How much sleep did
11 you have today? No. Are you ill? No. Are you injured?
12 Yes. If yes, explain. Involved in a motor vehicle
13 accident. Have you been to a doctor, dentist, druggist,
14 hospital or clinic recently? No."

15 And then it says: "If the subject answers yes
16 to the following two questions or is unable to answer the
17 questions and a zero reading is obtained from the
18 chemical breath test, the desk officer shall summons an
19 ambulance."

20 Then it says: "Do you require medical
21 treatment now? Yes. Do you desire an ambulance to be
22 summoned?" She didn't have an answer. We were already in
23 the hospital.

24 Q Did she actually tell you that she required
25 medical treatment or is it that you checked off yes
26 because were you already in the hospital?

1 Bartel - Direct/Mattei 39

2 A She was already receiving the treatment.

3 Q You recorded these answers as she gave them to
4 you?

5 A Yes.

6 Q Was there any hesitation in her answers

7 A No.

8 Q Are those the actual answers that she gave
9 you?

10 A Those are her answers.

11 Q The questions you asked her about her drinking
12 and using drugs and where she drank and where she was,
13 did her answers match the questions you gave her?

14 A Yes.

15 Q What was her physical condition like at that
16 time that were you doing this question and answer
17 session?

18 A She was calm and she had a few scratches on
19 her, but other than that she looked fine.

20 Q Was she on any drugs from the hospital?

21 A Not that I know of.

22 Q Did she have any questions for you when you
23 asked her the questions? Did she ask you to repeat them
24 or did she ask you to say them more slowly?

25 A No, sir.

26 Q What was her conversational tone?

1 Bartel - Direct/Mattei 40

2 A She was pretty calm.

3 Q At any time from the first time you
4 encountered Miss Taylor in the parking lot of the Lowe's
5 until you concluded the intoxicated driver examination
6 sheet, did you or any officer in your presence or to your
7 knowledge force her to answer any questions?

8 A No, sir.

9 Q Did you threaten her or anybody else threaten
10 her to answer questions?

11 A No, sir.

12 Q Do you coerce her to answer any questions?

13 A No, sir.

14 Q And at any time did she complain of any pain
15 to you?

16 A No, sir.

17 Q When you were asking her the questions, did
18 she seem to not understand the question you were asking
19 her?

20 A When I asked the questions, she seemed to
21 answer quickly and know what I was asking.

22 MR. MATTEI: No further questions of this
23 witness.

24 THE COURT: Counsel?

25 MR. RENFROE: Yes. Thank you, your
26 Honor.

1 Bartel - Cross/Renfroe 41

2 CROSS-EXAMINATION

3 BY MR. RENFROE:

4 Q Officer, how are you today?

5 A All right, sir.

6 Q You responded to the northwest corner of
7 Samuel Place and Forest Avenue; is that correct?

8 A I responded to the parking lot of Lowe's.

9 Q And when you responded to the parking lot,
10 Miss Taylor was already in the police car; is that
11 correct?

12 A She was in the back seat of an RMP.

13 Q When you got there you made some observations
14 of her; is that correct?

15 A That's correct.

16 Q And did she look incoherent to you?

17 A She looked incoherent and out of it at times
18 and combative.

19 Q And when you saw her she was kicking the
20 door of the police car; is that correct?

21 A That's correct.

22 Q And when you saw her, did she have any
23 clothing on?

24 A No, sir.

25 Q And if you could tell us, what time did you
26 arrive at that location?

1 Bartel - Cross/Renfroe 42

2 A Approximately 2310, approximately.

3 Q So that's 11:10?

4 A Around that time, yes.

5 Q And what time did you give the Miranda
6 warnings?

7 A In the ambulance on the way to the hospital.

8 Q Now, when you saw her, you didn't see any
9 physical injuries that required you to take her to the
10 hospital; is that correct?

11 A Well, she had been in a car that overturned,
12 so that's --

13 Q My question is, initially she was not in the
14 ambulance when you saw her, she was in a police car; is
15 that correct?

16 A That's correct.

17 Q So initially -- someone had told yourself
18 that she had been involved in this motor vehicle
19 accident; is that correct?

20 A That's correct.

21 Q She was under arrest at that time when you saw
22 her; is that correct?

23 A At that time she was being restrained. She
24 had not been placed under arrest, no.

25 Q She was being restrained --

26 THE COURT: Hold on.

1 Bartel - Cross/Renfroe 43

2 When you say she had not been placed under
3 arrest, she hadn't been placed under arrest by you.

4 THE WITNESS: By me.

5 THE COURT: But she was in police custody?

6 THE WITNESS: No.

7 THE COURT: Was she free to leave?

8 THE WITNESS: No.

9 THE COURT: Did she have handcuffs on her?

10 THE WITNESS: Yes.

11 THE COURT: They were the officer's on the
12 scene, correct?

13 THE WITNESS: That's correct.

14 THE COURT: But right before that the
15 officer told you she was running around the parking
16 lot naked?

17 THE WITNESS: I was told by witnesses
18 that she was running around the parking lot naked.

19 THE COURT: And then after that she was
20 restrained and placed --

21 THE WITNESS: In the back of the patrol
22 car.

23 THE COURT: And that's what you were
24 told?

25 THE WITNESS: That's what I was told.

26 THE COURT: Counsel, continue.

1 Bartel - Cross/Renfroe 44

2 Q At the time when you got there, would it be
3 safe to say she was naked, acting incoherent and being
4 combative?

5 A When I got there, yes.

6 Q Now, was the ambulance at the scene at that
7 time?

8 A I'm not sure what exact time the ambulance
9 rolled up.

10 Q Well, you arrived at 11:10; is that
11 correct?

12 A That's correct.

13 Q And you saw Miss Taylor exhibiting this
14 behavior that you just testified to, right?

15 A Yes.

16 Q What time did you give the Miranda warnings?

17 A I believe sometime -- I wrote down 11:30.

18 Q So, twenty minutes after the time when she was
19 incoherent, combative and trying to kick out the windows
20 of the police car, twenty minutes after that you gave her
21 the warnings; is that correct?

22 A Approximately, yes.

23 THE COURT: Was that before or after you
24 had asked her for the pedigree information?

25 THE WITNESS: I asked her pedigree before
26 I asked her the Miranda.

1 Bartel - Cross/Renfroe 45

2 THE COURT: So you asked her the pedigree
3 information and that's when she told you the false
4 name?

5 THE WITNESS: That's correct.

6 THE COURT: And then you read her Miranda
7 warnings?

8 THE WITNESS: That's correct.

9 THE COURT: Continue, counsel.

10 Q Was she also making statements initially on
11 that scene that didn't make any sense?

12 MR. MATTEI: Objection.

13 THE COURT: Rephrase the question.

14 Just rephrase the question so it would be more
15 specific.

16 Q Was she making statements that were difficult
17 for you to understand?

18 A She did not make any statements to me. She
19 made them to other people.

20 Q And if you know, what were those statements?

21 MR. MATTEI: Objection, judge.

22 THE COURT: If you know.

23 Q What was she saying?

24 A I believe she made a statement to Officer
25 Granda. If I could look in my notes, I could refresh
26 what he said to me.

1 Bartel - Cross/Renfroe 46

2 THE COURT: Go ahead.

3 Are you going to call him as a witness for
4 the hearing?

5 MR. MATTEI: No.

6 THE COURT: What are you looking for?

7 THE WITNESS: The complete one, sir.

8 (Short pause.)

9 THE WITNESS: I have it.

10 THE COURT: To refresh your recollection?

11 THE WITNESS: The exact -- I believe she
12 told Officer Granda that God told her to drive
13 naked.

14 THE COURT: Counsel, continue.

15 A And she told one of the civilian witnesses
16 that tried to get her out of the car, he overheard her
17 saying, God, power, respect, or money and power, some
18 kind of lyric from a 'Lil Kim song.

19 Q Basically she said God told her to drive
20 naked; is that correct?

21 A I believe that's what she told Officer
22 Granda.

23 Q And she was in the patrol car; is that
24 correct?

25 A That's correct.

26 Q And can you describe how she exited the patrol

1 Bartel - Cross/Renfroe 47

2 car and got into the ambulance? What happened?

3 A We asked her -- we opened the door and she
4 stepped out.

5 Q And what time was that, do you know?

6 A I got there 11:10. At this time I don't
7 recall exactly what time.

8 THE COURT: Approximately.

9 THE WITNESS: 11:10, 11:15.

10 Q You got there at 11:10, so a little bit after
11 you got there?

12 A A little bit after I got there.

13 Q So at this point when you get ready to give
14 her her Miranda warnings, you've just been informed by
15 another officer that she said God told her to drive
16 naked; is that correct?

17 A That's correct.

18 Q And you see that she's incoherent; is that
19 correct?

20 A That's correct.

21 Q And at some point I think you said she would
22 be -- at some point she was incoherent and at some point
23 she seemed sort of lethargic?

24 A Yes.

25 Q She sort of went between the two, correct?

26 A That's correct.

1 Bartel - Cross/Renfroe 48

2 Q So at this point she comes out of the police
3 car; is that correct?

4 A That's correct.

5 Q And can you tell me how much time transpired
6 between the time that she was kicking the windows and
7 stuff and the time that you asked her to come out of the
8 police car?

9 A A couple of minutes.

10 Q And would it be safe to say that she was
11 handcuffed at that time; is that correct?

12 A That's correct.

13 Q And did someone help her walk to the police
14 car? Did the police surround her? What happened?

15 A I don't know how she got into the back of the
16 patrol car.

17 Q The ambulance, I'm sorry.

18 A They had the gurney right there and she laid
19 down on the gurney.

20 Q And then when she laid down on the gurney, was
21 she strapped to the gurney then?

22 A Yes.

23 THE COURT: I'm going to stop you one
24 moment.

25 Was she resisting?

26 THE WITNESS: No, sir. She was calm at

1 Bartel - Cross/Renfroe 49

2 that point.

3 THE COURT: Did they ask her to lay down
4 on the gurney?

5 THE WITNESS: I don't remember if they
6 asked her to, but she did without a fight.

7 THE COURT: So at that point she was not
8 combative?

9 THE WITNESS: She was not combative, no.

10 THE COURT: Did she appear to you to
11 understand that she should lay down on the
12 gurney?

13 THE WITNESS: She appeared to me, yes.

14 THE COURT: She did it right away?

15 THE WITNESS: She did it right away.

16 THE COURT: Go ahead, counsel.

17 Q So at this point she was taken to the
18 ambulance; is that correct?

19 A That's correct.

20 Q And you were not the first officer on the
21 scene, but how were you selected to get into the
22 ambulance with her?

23 A I was the arresting officer. I was going to
24 be the arresting officer.

25 Q And with that in mind, you went in the
26 ambulance; is that correct?

1 Bartel - Cross/Renfroe 50

2 A That's correct.

3 Q And when you got in the ambulance, she was
4 there along with the ambulance personnel; is that
5 correct?

6 A That's correct.

7 Q Is it then that you gave her the Miranda
8 warnings?

9 A After the doors closed, yes.

10 Q So as soon as she leaves the patrol car and
11 is put into the ambulance you gave her the Miranda
12 warnings; is that correct?

13 A Well, I asked her her name and then I gave
14 them to her, yes.

15 Q So, how much time do you think transpired
16 between the time that you gave her those Miranda warnings
17 and the time she got into the ambulance?

18 A Can you repeat that question, sir?

19 Q She was taken to the ambulance; is that
20 correct?

21 A Yes.

22 Q How much time transpired between the time that
23 you and she got into the ambulance and the time you
24 asked the pedigree information and gave her the Miranda
25 warnings?

26 A Probably in the ambulance -- we were in there

1 Bartel - Cross/Renfroe 51

2 for a couple of minutes.

3 Q And how much time transpired between the time
4 when she was taken out of the police car and taken to
5 the ambulance?

6 A A few minutes.

7 Q So, a couple of minutes?

8 A So, it's two or three minutes.

9 Q This whole process is two or three minutes;
10 is that correct?

11 A Maybe five. I really couldn't put an exact
12 number on it.

13 Q And at the time -- would it be safe to say
14 when you arrived at the scene that's the time when you
15 saw her in the police car; is that correct?

16 A When I arrived there, yes.

17 Q And at the time that's when you made the
18 observation that she was incoherent; is that correct?

19 A That's correct.

20 Q And that she was saying things like God told
21 her to drive naked? You got that information; is that
22 correct?

23 A Correct.

24 THE COURT: Hold on.

25 Did she ever say that in your presence,
26 officer?

1 Bartel - Cross/Renfroe 52

2 THE WITNESS: Not in my presence, no.

3 Q So would it be safe to say your estimation is
4 about five minutes before you gave the Miranda warnings
5 and you had made an observation that you thought she was
6 incoherent; is that correct?

7 A I couldn't say five minutes.

8 Q How much time would you say, seven minutes?

9 A From the first time I saw her to the time she
10 got in the ambulance? Maybe it was a total of fifteen
11 minutes or so, twenty minutes tops.

12 THE COURT: Mr. Renfroe, are these your
13 witnesses?

14 MR. RENFROE: No, your Honor.

15 THE COURT: Mr. Mattei?

16 MR. MATTEI: They are not witnesses, your
17 Honor.

18 MR. RENFROE: Just one second, your Honor.

19 (Short pause.)

20 Q Now, even when you were at St. Vincent's
21 Hospital, some of the answers that she gave you didn't
22 make sense; is that correct? Like you asked her what
23 time is it now, and what did she respond?

24 A Hell no.

25 Q You asked her where she was at and she said
26 St. Vincent's Hospital, right?

1 Bartel - Cross/Renfroe 53

2 A That's correct.

3 Q But when you asked her the time she said, Hell
4 no?

5 A That's what I have written down, correct.

6 Q And basically she was cooperating with you
7 though?

8 A That's correct.

9 Q And would it be safe to say that you would
10 characterize that as kind of a strange answer; yes
11 or no?

12 A That's what she said. I'm told whatever
13 she says to write down.

14 Q Did you make -- as the arresting officer,
15 did you make the decision to remove her from the RMP and
16 put her in the ambulance?

17 A That was because she was involved in a motor
18 vehicle accident. Because of the accident, she was going
19 to have to be checked out.

20 THE COURT: You don't put everybody who's
21 involved in a motor vehicle accident in an
22 ambulance, do you?

23 THE WITNESS: I don't make that call.
24 That's EMS's call. I believe with overturned
25 vehicles that everybody has to get checked out. Not
26 every accident, but I don't make that call. If EMS

1 Bartel - Cross/Renfroe 54

2 wants to take them, yes.

3 THE COURT: Listen to the question.

4 You don't call ambulances for every
5 automobile accident, do you?

6 THE WITNESS: No.

7 THE COURT: And you do it for accidents
8 that appear to be serious accidents?

9 THE WITNESS: That's correct.

10 THE COURT: Such as overturned vehicles?

11 THE WITNESS: That's correct.

12 THE COURT: So when there's an overturned
13 vehicle, someone calls an ambulance?

14 THE WITNESS: That's correct.

15 THE COURT: And then EMS makes a
16 determination as to whether or not they should go
17 to the hospital?

18 THE WITNESS: Yes, they make the call.

19 THE COURT: You don't make that call?

20 THE WITNESS: I don't make that call.

21 THE COURT: But you do make the call as to
22 whether or not you believe there should be an
23 ambulance at the scene?

24 MR. MATTEI: Objection.

25 THE COURT: I'll ask you, do you make the
26 call? Who makes the call?

1 Bartel - Cross/Renfroe 55

2 THE WITNESS: If I feel there has to be
3 an ambulance, I'll call one.

4 THE COURT: And that's because of the
5 serious nature of the accident?

6 THE WITNESS: True.

7 THE COURT: Go ahead, counsel.

8 MR. RENFROE: Thank you.

9 THE COURT: You're objecting to my
10 question?

11 MR. MATTEI: Yes, judge.

12 THE COURT: Go ahead.

13 Q Now, you asked her her name -- first of all,
14 initially you saw her in this incoherent state. Would
15 that be safe to say?

16 A That's correct.

17 Q So you were asking her questions a short time
18 thereafter, right?

19 A Approximately.

20 Q So when you asked her her name, she said Miss
21 Matthews; is that correct?

22 A Originally, yes.

23 Q And later on in the morning being the next day
24 she told you her name was Taliyah Taylor; is that
25 correct?

26 MR. MATTEI: Objection, judge.

1 Bartel - Cross/Renfroe 56

2 THE COURT: Overruled.

3 MR. MATTEI: It was at the hospital.

4 Q Later on at the hospital.

5 MR. RENFROE: I withdraw that question.

6 Q Later on at the hospital did she indicate that
7 her name was Taliyah Taylor?

8 A Yes, she did.

9 Q Did she tell you -- you have a question that
10 you asked. I think the form is in evidence. You asked,
11 Where were you going? It's on the intoxicated driver
12 examination form.

13 A Yes.

14 Q And what was her answer to that?

15 A To the light with my dad.

16 Q When you heard that, would you say that's a
17 traditional response to that question?

18 MR. MATTEI: Objection.

19 THE COURT: Sustained.

20 Q How long have you been a police officer?

21 A Almost eighteen and a half years.

22 Q And I guess you also asked her what time is it
23 now and that's when she said, Hell no; is that correct?

24 A That's correct. She answered that.

25 THE COURT: I'm going to stop you for a
26 second.

1 Bartel - Cross/Renfroe 57

2 Did you take that -- did you believe that
3 to mean that she didn't know what time it was?

4 THE WITNESS: That's what I believed, that
5 she didn't know what time it was.

6 Q After the time when she was placed in the
7 ambulance, did there come a time when she was combative
8 again?

9 A She was pretty calm after that.

10 Q Did she appear lethargic to you?

11 A She seemed alert.

12 Q Now, the questions that you asked her on the
13 scene, you then subsequently wrote them down; is that
14 correct?

15 A What answers were those?

16 Q Like you asked her about what name she
17 initially gave you. Did you write that down on the scene
18 or later in your memo book?

19 A I wrote that down in the memo book while we
20 were in the ambulance.

21 Q Did you fill out the technician test report?

22 A Yes.

23 MR. RENFROE: May I have this shown to the
24 witness?

25 (Handing to witness.)

26 Q Officer, do you recognize that?

1 Bartel - Cross/Renfroe 58

2 A Yes.

3 Q That's a police report kept in the regular
4 course of business by the New York City Police
5 Department; is that correct?

6 THE COURT: Why don't we have that deemed
7 marked Defense A for identification?

8 MR. RENFROE: Okay.

9 (Whereupon, the item mentioned above is
10 deemed marked as Defendant's Exhibit A for
11 identification.)

12 THE COURT: You can answer the question.

13 A This is a business record, yes.

14 Q And you have a duty to be accurate when you
15 fill out that report; is that correct?

16 A Yes, sir.

17 Q And you filled that out as you were speaking
18 to Miss Taylor, is that correct, on the date of the
19 incident?

20 A If I filled this out while I was talking to
21 her?

22 Q Yes.

23 A This is part of the paperwork that I do on the
24 side after I --

25 Q How much time transpired between the time
26 you filled that out and the time you spoke with Miss

1 Bartel - Cross/Renfroe 59

2 Taylor?

3 A I don't remember when I filled this out.

4 Q The same day?

5 A Yes.

6 MR. RENFROE: Your Honor, I move that into
7 evidence.

8 THE COURT: Counsel?

9 MR. MATTEI: No, objection, judge.

10 (Whereupon, the item previously deemed
11 marked for identification is deemed marked as
12 Defendant's Exhibit A in evidence.)

13 Q You noted that she was speaking unintelligibly
14 at times. I think it's on the bottom of that form. Did
15 you note that?

16 A Yes.

17 Q And I think you indicated that some officers
18 had told you that she had said God told her to drive
19 naked; is that correct?

20 A Yes.

21 Q You noted though that she was speaking
22 unintelligibly at times; is that correct?

23 A Yes.

24 Q Was that something that you, in fact,
25 personally observed and that's why you put it in that
26 form?

1 Bartel - Cross/Renfroe 60

2 A I think it was just as part of my
3 investigation at the scene I put that in there.

4 Q And --

5 THE COURT: Well, did you observe it?

6 THE WITNESS: I don't remember her talking
7 unintelligibly to me.

8 THE COURT: Counsel?

9 Q And you indicated that the officers told you
10 that God told her to drive naked. You used that as an
11 example; is that correct?

12 A Yes.

13 Q Was there anything else that you remember
14 them telling you?

15 A Well, that she was running around naked
16 quoting a lyric from a rap song.

17 Q And this is off the other form that's in
18 evidence.

19 When you asked her where were you going and
20 she said "to the light with my dad," did you interpret
21 that to mean anything?

22 MR. MATTEI: Objection, judge.

23 THE COURT: Rephrase the question,
24 counsel.

25 Q What did you take the statement to mean when
26 Miss Taylor said that she was going "to the light with my

1 Bartel - Cross/Renfroe 61

2 dad"?

3 MR. MATTEI: Judge, same objection.

4 THE COURT: It's the same question,
5 counsel.

6 Q Did you ask Miss Taylor where her father
7 was?

8 A No. When she answered that, I didn't ask
9 her.

10 MR. RENFROE: Your Honor, I have no
11 further questions for this witness.

12 THE COURT: Counsel?

13 MR. MATTEI: No further questions, judge.

14 THE COURT: You can step down. Thank you.

15 (Witness excused.)

16 THE COURT: We'll reconvene at 2:15 and
17 continue the hearing.

18 (Whereupon, a luncheon recess was taken.)

19 * * * * *

20

21

22

23

24 (Continued on next page.)

25

26

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A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

THE CLERK: Remain seated and come to
order.

This is a continued hearing under
Indictment 335 of 2006, The People of the State of
New York against Taliyah Taylor.

THE COURT: Hearing continued.

Counsel, call your next witness, please.

MR. MATTEI: Thank you.

The People call Detective John Signorelli,
your Honor.

DETECTIVE J-O-H-N S-I-G-N-O-R-E-L-L-I, having been
called as a witness by and on behalf of the People,
having been duly sworn by the clerk of the court,
was examined and testified as follows:

THE CLERK: Please be seated.

Please state your name, spell your
last name, give your shield number and your
command.

THE WITNESS: Detective John Signorelli,
S-I-G-N-O-R-E-L-L-I, shield number 1046, command
Highway District Accident Investigation Squad.

THE CLERK: Thank you.

MR. MATTEI: May I inquire?

THE COURT: Yes.

Signorelli - Direct/Mattei 63

DIRECT EXAMINATION

BY MR. MATTEI:

Q Detective, how long have you been on the New York City Police Department?

A Twenty-one and a half years.

Q And how long have you been a detective?

A Just about five years.

Q How long have you been at the Accident Investigation Squad?

A Since -- six and a half years.

Q And where have you worked as a member of the NYPD prior to that?

A My initial training was in the Police Academy. After that I was assigned to the 79th precinct in Bedford Stuyvesant.

Then I was transferred to Staten Island where I became a member of the Staten Island Highway Patrol. Then I was transferred to Highway 2, the Accident Investigation Squad, where I was promoted to detective and transferred back to Staten Island where I'm presently assigned.

Q I'd like to direct your attention to October 18th of 2006 and ask if you had occasion to go to Forest Avenue sometime that evening.

A Yes, I did.

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Q And what part of Forest Avenue did you go to, detective?

A The vicinity of Samuel Place by the Lowe's and Kohl's shopping center.

Q Do you recall approximately what time you got there?

A Around 2315 hours, 11:15 p.m.

Q Where did you go when you first got there?

A When I turned off the service road of the Staten Island Expressway, which is Goethals Road, I made the right onto Forest Avenue and I realized they had detoured all the traffic, so I pulled into the Kohl's entrance of the shopping plaza and made a right continuing to go further to the entrance of the Lowe's hardware storefront.

Q Kohl's and Lowe's share the same parking lot?

A That's correct.

Q And what, if anything, did you observe after you went into the parking lot of Kohl's/Lowe's?

A When I made the right-hand turn into the parking lot, I initially noticed a blue Nissan Maxima on its rooftop right at the fence line.

As I proceeded forward, I noticed that there was a female occupant in the back of that car. There were two uniformed police officers outside having a

Signorelli - Direct/Mattei 65

discussion. There were a few bystanders also standing around the vehicle.

I noticed that there seemed to be much more emergency personnel by the Lowe's entrance, so I continued forward to the Lowe's entrance/exit onto Forest Avenue.

Q And what did you see when you went to the Lowe's entrance?

A I observed a red Toyota in the middle of the intersection that had been involved in a collision. There was damage to the front of the vehicle. There were a few uniformed police officers, as well as a civilian, standing by the vehicle. There was also an ambulance in that vicinity.

Then just about to the left of the entrance there was a white sheet in the roadway. There was another white sheet at the curb line and further down by Samuel Place where the initial crime scene seemed to have the perimeter set up.

Q And what was under those white sheets?

A I had gotten out of the vehicle and I had walked out to Forest Avenue and there were a few firefighters, as well as emergency medical technicians, and they informed me that they were body parts, as well as a torso.

1 Signorelli - Direct/Mattei 66

2 Q How many different major body parts were
3 there?

4 A There was a total of three. I could plainly
5 see two of them, which was --

6 THE COURT: Were they attached together?

7 THE WITNESS: No, they weren't. They were
8 all separated.

9 THE COURT: What did you see?

10 THE WITNESS: The obvious one was the
11 torso, which was in the middle of the roadway.

12 Q When you say torso, you mean approximately
13 from the waist up?

14 A Correct.

15 There was also a leg, which was at the curb
16 line.

17 As I observed this, emergency medical
18 technicians informed me that there was a third sheet in
19 the bank parking lot at the rear of a Toyota that was in
20 the parking lot, which I found to be another leg.

21 Q And the torso that was in the street and the
22 leg that was also in the street, were they some distance
23 apart?

24 A Yes, they were.

25 Q And the leg in the bank parking lot, was that
26 some distance away from the other two major body parts in

1 Signorelli - Direct/Mattei 67

2 the street?

3 A Yes, that was the furthest one away.

4 Q And that was off the roadway?

5 A Yes.

6 The parking lot has front end parking
7 against the curb line for Forest Avenue. Then there's
8 the lane for the parking lot, which would be wide enough
9 to have two cars passing, and then there was a series of
10 parking spots right up against the front of the bank.
11 At that sidewalk, at the rear of that vehicle that was
12 parked, there was where the leg was.

13 Q Were there other smaller pieces of flesh
14 and body parts --

15 THE COURT: Counsel, let's move on.

16 Q Did you become part of the accident
17 investigation upon arrival?

18 A Yes, I did.

19 Q And were you able to determine anything about
20 what caused the person to be in that condition?

21 A Yes, we did.

22 THE COURT: Come on up.

23 (Whereupon, an off the record discussion
24 was held at the bench among the Court and counsel,
25 after which the proceedings continued as follows:)

26 Q Detective, I'd like to direct your attention

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to a few hours later now in the morning of October 19, 2006, at about 1:45, 1:50 a.m., and ask you if you had occasion to go to St. Vincent's Hospital at about that time.

A Yes, I did.

Q And why did you go there?

A I was informed by my supervisor that the operator of the blue Maxima that was overturned in the Lowe's parking lot was in police custody over at the hospital being medically treated and he wanted me to respond over there to interview her.

Q When you got to the hospital, did you see any members of the Highway Unit there?

A Yes, I did.

As I walked into the emergency room of St. Vincent's Hospital, I was greeted by Police Officer William Bartel of the Highway 5 Unit, as well as Police Officer Henry Granda, also of the Highway Unit.

Q Did you speak to Officer Bartel when you got into the emergency room?

A Yes, I did.

Q And what, if anything, did he tell you when you got there?

A I told him my purpose for being there was to interview his defendant and he informed me of some

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pedigree information that he was able to obtain because there was a little -- not confusion, but we didn't have -- I didn't have the proper name of the motorist.

He also had told me that she had been cleared medically and that she was very cooperative with him.

Q Did you speak to him about Miranda warnings?

A Yes, I did.

Q And what, if anything, did he tell you about Miranda warnings?

A When I informed him that I was going to interview her, the defendant, I had asked if he had read her her Miranda warnings and he said yes, at which time I just told him that I was going to probably read them again and I was going to conduct an interview.

Q Now, did you see the person that you now know to be the defendant in this case at that time?

A Yes.

Q And where was she when you first saw her?

A When I walked in, Police Officer Bartel was in the left-hand side of the emergency room entrance by the emergency room phone and the defendant was to my right and kind of behind me in a cubicle for the emergency room trauma.

Q When you say a cubicle, you mean with the

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curtains as they separate patients in the hospital?

A That's correct. Whether it's a long -- it's actually one large room that's subdivided into, I believe, four smaller rooms and they are divided by just the typical hospital curtains that have the tracks on the ceiling.

Q Do you see the person that you saw in the hospital in court today?

A Yes, I do.

Q Could you identify her for us and tell us what she's wearing?

A Certainly. She's wearing a light green shirt.

THE COURT: Indicating the defendant.

MR. MATTEI: Thank you, your Honor.

Q Did you speak to the defendant at that time?

A Yes, I did.

Q Why don't you tell us what you initially told her when you first approached them.

A When I walked into the cubicle, I had walked in and I introduced myself. I told her that I was Detective Signorelli of the Highway Patrol Unit and that I was there to interview her regarding the collision that had happened over by the Lowe's home improvement store, at which time I asked her if she was okay, which

Signorelli - Direct/Mattei 71

she replied yes.

I told her that I had known that she had been read Miranda and that I wanted to read her her Miranda warnings again before I did any questioning, which I did.

Q Did you have a sheet with you?

A Actually, I didn't have a sheet with me, and what I did was I stepped back out -- I kind of peaked out of a partially opened curtain and I asked Police Officer Bartel to borrow his memo book so I could read Miranda from that.

Q Did he give you his memo book?

A Yes, he did.

MR. MATTEI: Judge --

THE COURT: It's what's been deemed marked People's 1.

MR. MATTEI: Could I have that shown to the witness?

(Handing to witness.)

Q Do you recognize Exhibit 1?

A Yes, I do.

Q Is that an exact copy of Officer Bartel's memo book that you read from to the defendant?

A Yes, it is.

Q Tell us what, if anything, you said to her and

Signorelli - Direct/Mattei 72

what she responded.

A Certainly.

The first thing I said to her was that you have the right to remain silent and refuse to answer any questions, and I asked, do you understand? She replied yes.

Anything you do say may be used against you in a court of law. Do you understand? Again she replied yes.

You have the right to consult an attorney before speaking to the police and have an attorney present during any questioning now or in the future. Do you understand? She said yes.

If you cannot afford an attorney, one will be provided for you without cost. Do you understand? Again she said yes.

If do you not have an attorney available, you have the right to remain silent until you've had the opportunity to consult with one. Do you understand? She said yes.

Now that I have advised you of your rights, are you willing to answer questions? And again she said yes.

Q And did she say anything about wanting to actually talk to you?

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A Yes.

Q What?

A She had said to me that no one had listened to her, and that's when I said to her, That's what I'm here for. I want to know what's going on. If you're willing to talk to me, I'm willing to listen to you.

Q How were you dressed at that time?

A I was wearing a pair of tan dockers, just black shoes, a white buttondown shirt. I had my shield on my belt, which was a black belt, and I had my gun on an ankle holster.

Q Was your gun visible?

A No.

Q What was the defendant's -- where was the defendant when you actually read her the Miranda warnings?

A She was sitting on a hospital gurney with her legs crossed. She had her right arm loosely handcuffed to the gurney on the right side. She was able to kind of move back and forth. She had an IV lead in which it wasn't attached to an IV but which was capped off, and she was wearing just a hospital gown that she had kind of just around her.

Q And when you asked her these questions, what was her physical condition like when you were

1 Signorelli - Direct/Mattei 74

2 asking her the questions and she was giving you the
3 answers?

4 A Well, when I first observed her and I was,
5 you know, asking her the original questions as far as
6 Miranda and even pedigree, I was amazed at how unscathed
7 she was. There was no bumps or bruises that were
8 visible for someone that was involved in a car accident
9 of that magnitude.

10 Q And what was her demeanor like when you spoke
11 to her?

12 A It was fine, as far as I was concerned. It
13 appeared to be normal to me. She answered questions in
14 a normal fashion where if I asked her a question, the
15 answer seemed to match up with my question. There was
16 no great pause or delay or any thought in it. Just
17 answering questions. It was a conversation.

18 Q And particularly with the Miranda warnings
19 that you read to her, was there any hesitation in her
20 answers to you?

21 A No.

22 THE COURT: Did she seem incoherent to
23 you?

24 THE WITNESS: Not at all.

25 THE COURT: Did she seem to be lethargic
26 in any way?

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THE WITNESS: Not at all.

Q She was coherent when you spoke to her?

THE COURT: I said did she seem
incoherent.

MR. MATTEI: I'm sorry, I didn't hear
that. I assume that means she seemed coherent.
I didn't hear what you said.

Q So she was coherent?

A Yes.

Q Did she complain of any pain when you spoke to
her?

A No.

When I spoke to her, in the latter part of the
conversation she just asked for a glass of water.

Q And was she on any medications, as far as you
could tell, from the hospital?

A There was no IV attached to it. When I had
asked Police Officer Bartel, he had just indicated to me
that she had been cleared medically.

THE COURT: Did you give her the water?

THE WITNESS: At the end of the
conversation, yes.

Well, actually, one of the nurses did,
but I informed one of the nurses to give her the
water.

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THE COURT: And she went and got her a glass of water?

THE WITNESS: Right.

Q Can you tell us what, if anything, you said to her and then what she said to you after the Miranda warnings were concluded?

A Okay.

What I had said to her is that I have a pre-formatted form, which is known as a witness statement form, which is issued by the Police Department. This form, what it does is it follows the report paperwork to Albany regarding the collision, and I actually held up one and I showed it to her.

I had the secondary form on the clipboard, which I started to ask her pedigree information, which is the top of the form.

Q And what did you start to ask her?

A The first thing I asked her was her name. I had never spelled Taliyah before, so I asked her to spell it. She spelled her name. She also gave me her last name.

I asked her where she lived. She informed me she lived at 173 Pine Place, Staten Island, New York.

I asked for the zip code and she told me it was 10304.

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I asked her for her home phone number, which she told me was 718-524-5186.

I asked her for a secondary contact number such as a cell phone or a relative's house where I could contact her if I needed to talk to her after that day. She gave me a secondary number of 718-954-2245.

I marked off on the witness statement that the location of the interview was other, under the emergency room, St. Vincent's.

THE COURT: Are you using something to refresh your recollection at this point?

THE WITNESS: Yes, I am. I apologize, your Honor.

THE COURT: What are you using?

THE WITNESS: Which is the copy of the witness statement.

THE COURT: Let Mr. Mattei ask you questions.

THE WITNESS: I'm sorry.

THE COURT: Go ahead, counsel.

Q Well, do you recognize --

MR. MATTEI: Could we have that deemed marked?

THE COURT: We'll have it deemed marked as 4.

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(Whereupon, the item mentioned above is deemed marked as People's Exhibit 4 for identification.)

THE COURT: Do you recognize that document?

THE WITNESS: Yes, I do.

THE COURT: Counsel?

Q And does that fairly and accurately contain some of the questions that you asked her on the witness form and her responses to them?

A Yes, it does.

THE COURT: What is it?

THE WITNESS: It's a Police Department form 301-061. It's a witness statement.

What that does is this is a supplemental form that would follow the accident report to Albany. It's also used in any accident investigation that we would conduct.

THE COURT: It's a witness statement form?

THE WITNESS: Correct.

THE COURT: Do you have that form, counsel?

MR. RENFROE: Yes.

MR. MATTEI: It's a 301, your Honor. I'll

1 Signorelli - Direct/Mattei 79

2 make sure Mr. Renfroe has it.

3 MR. RENFROE: Yes, I have it.

4 THE COURT: Are you moving that into
5 evidence, counsel?

6 MR. MATTEI: Yes.

7 THE COURT: Any objection?

8 MR. RENFROE: No, your Honor.

9 THE COURT: So moved. 4 in evidence.

10 (Whereupon, the item previously deemed
11 marked for identification is deemed marked as
12 People's Exhibit 4 in evidence.)

13 THE COURT: Now you can read it. Go
14 ahead.

15 Q Can you tell us the questions you asked her --
16 well, I guess we can start with the questions for
17 operator of the vehicle that you asked her.

18 A The first question was on the right-hand
19 middle portion of the form and the question is: How
20 many years have you been a driver? She informed me that
21 she had gotten her permit when she was about sixteen and
22 that she had gotten her legal driver's license in her
23 twenties.

24 THE COURT: I want to stop you for one
25 second.

26 Just so I'm clear as to what exactly took

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place, you went into the cubicle and you read the
Miranda warnings to the defendant?

THE WITNESS: Yes, correct.

THE COURT: And then you had that form in
your hand also?

THE WITNESS: Yes.

THE COURT: And then you started reading
the questions off of that form?

THE WITNESS: Correct.

THE COURT: And as she gave you the
answers or as she answered the questions, did you
then contemporaneously write down answers onto the
form?

THE WITNESS: Yes, I did.

THE COURT: Continue, counsel.

Q What is the next question after how long have
you driven?

A The next question was: How long have you been
driving the vehicle involved in the accident? And she
just answered no.

I went to the next question which was: Was
there any mechanical failure or defect with the
vehicle you were driving? And she responded, I don't
remember.

The next question was: Did you drink any

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intoxicants prior to the accident? Her response was no. I marked off the appropriate box.

And then another question was: Where were you coming from or going to? She informed me that she was at the studio, which was at Dave's mother's basement located at 54 New York Avenue and she was going to 225 Seymour, which she indicated as Granny's. I later found out that 225 Seymour was actually her mother's apartment house and that she just referred to it as Granny's.

Q And did you ask her some more questions that you recorded on the front of this statement?

A Yes, I did.

The next portion of the form says: "The below questions will be answered in all cases," and it says, "Will you briefly describe the accident," which is basically what I asked her.

And she responded: "The last thing I remember I was trying to do a song. I couldn't remember the last verse." She said that it started around 4:30. "It was the end of the session and the session is about five hours."

Realizing that I didn't have enough information to carry on a conversation with her, I had to kind of pause her and ask her all of the participants

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that were at the recording studio and get a little bit more background information of where the story took place. She said that her friend Dave was there, her girlfriend Tricia, a girl named Moniquewa who she had met at Temptations and another girl Maliya who was a cousin of hers and her brother's son, her nephew Kashawn.

Once I recorded that, I had kind of taken up the portion of the form as far as describing the accident, so I felt it was appropriate to continue it on a different piece of paper, which is what I did.

Q Tell us what else you asked her after that and what she responded.

A The next portion of this is going to be recorded or was recorded on a different form or just, actually, a stenography notebook. It's kind of lengthy.

Q You had taken notes on the back of this witness form?

A Yes, I did.

Q Do you know where the original witness form is now?

A Not right now, no.

Q How did the writings on the steno book come into existence?

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1
2 A Well, after I had written everything on the
3 back of the form, being that it had taken up the front
4 portion of it I wrote it on the back, and once the
5 interview concluded I had gone out to the police car
6 and I transcribed everything from the back of this into
7 more legible and understandable notes, which is what I
8 did.

9 Q So those are the steno book notes?

10 A Yes.

11 Q And they were done at the hospital?

12 A Yes.

13 Q Right at the conclusion of this interview?

14 A Correct. It was done after I interviewed her
15 and when I went to speak to her family which was present
16 at the hospital.

17 Q Tell us what else she told you after you got
18 done -- after she told you who was at the studio.

19 A This is about four pages, so I'm going to
20 have to refer to it to refresh my recollection, if
21 that's okay.

22 THE COURT: If you need it, tell us. If
23 you're going to read the whole thing, that's a
24 different story. If you want to just tell us what
25 she said, fine.

26 Q Are these the notes -- that steno pad, are

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those your recollections of what she told you?

THE COURT: Hold on.

Are those steno form -- are those steno notes part of the witness statement form?

THE WITNESS: Yes.

THE COURT: So then they are already in evidence as number 4. So if you want to read them, that's fine.

Q Why don't you read to us the notes.

A Okay.

Miss Taylor started to say that she had gone to the recording studio at about 4:30 p.m. She tried doing a song and she had gotten frustrated because she couldn't remember the last verse of the song. It was apparently -- she had told me it was a five hour recording session and that the song was to immortalize her father's memory.

She informed me that she was getting frustrated that no one was listening to her, that her friend Dave was on the phone trying to make money and he was in and out of the recording studio on the phone. It was distracting to her.

Her girlfriend Tricia said that she wanted to get going, but Taliyah wanted Tricia to stay and listen to her, at which time I interrupted her and I

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asked her how she had gotten to the recording session and she replied that she was in the blue Max. Later on she informed me the blue Max was the blue Maxima.

Taliyah continued about how she likes to watch movies and TV and how it's not real life and, you know, the action movies that she likes to watch are, you know, not reality and how her nephew was being brought up the right away because he never had the chances. She was informing me that she wanted Kashawn to be brought up in the right way different than the way she was brought up, and she felt she didn't have the chances like she would like to give Kashawn because her father had passed away when she was seven and that her mom was getting on her about quitting and not working in the Banana Republic anymore.

She had gone on to describe how she was raped when she was younger and that she felt that she had to get her message out. That her message would get out through her songs and that she was a moneymaker, so that's where the frustration came from of people not paying attention to her, or Dave specifically during this part of the conversation, that he was on the phone trying to make money, and she felt frustrated because if Dave had just stuck by her she believed she could make all the honest money that he would ever need.

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She referred to evil trying to enter her and everybody trying to make body decisions, influencing her and other people.

She said that the rappers of today have a good message but they have the wrong delivery; that, you know, out on the streets the drugs and the crime and anything shouldn't be part of rappers. She would really send out a message in a positive way.

She had gone on to say that she was distancing herself from her friends that do drugs and alcohol. I asked her if she did drugs and alcohol. She informed me that she was like her father who was known as a Heineken man and she liked Heineken also. She stated she did a little bit of drugs and alcohol and it wasn't bad because it made her feel she could talk to her father. She would feel closer to him and remember him a little more to get the message out being that the song was about her father.

She told me that she told Tricia to go and get her a naked lady pill. She informed me that a naked lady pill was known as E, Ecstasy. She informed me that it was Ecstasy and she had told her girlfriend Tricia to get her a six pack of Heineken for her also. When I asked directly where she got the "E" from, she told me her girlfriend Tricia. And Tricia brought it back

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around -- she couldn't remember the time, but she said it wasn't before 6:30. Tricia had wanted to leave but Kashawn didn't want to go yet. Then Dave got on his cell phone again and was in and out once again and she felt that the evil was trying to come into her life and how it was kind of frustrating her. That she should be like Jesus with no clothes and walking through her trials and tribulations, so she decided to leave the session. And she took her nephew Kashawn to Granny's house to get him away from all the evil and everything that was just around and influencing different people.

Once she had gotten over to Granny's, this is when I asked her where is Granny's. She told me Seymour Street and that the actual residence was 654 Port Richmond Avenue, apartment 3A, and that she felt she had to get away from everybody, all of her problems, the hate, all the confusion, all the bad influence. And when she was there she had gotten into a dispute with her mother and also with Tricia and that Tricia had left the room and her mother and her continued to have a dispute and she felt that she had nothing to prove to her mother because her mother was saying that she should not have left the Banana Republic, that she's not working, that she didn't agree with the relationship she was having

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with her girlfriend Tricia.

So Taliyah informed me she had nothing to prove to her mother and she took off all of her clothes to prove to her she had nothing to hide and nothing to prove and that she had continued that argument.

She further explained to me that she had left the building and as she had gotten outside Tricia was in the car but wouldn't let her in the car and Tricia had drove away. So Taliyah had tried to go back up into the apartment house, but either the door was locked or for whatever reason wasn't able to regain entry.

Tricia had come back and had gotten out of the car and Taliyah had jumped into the driver's seat and left. She informed me that she drove around Port Richmond Avenue over to Forest Avenue, and I said to her, When you got onto Forest Avenue, do you remember the accident? You know, what do you remember about that? I asked her to be a little bit more specific. That was when she informed me that things were going by her so fast then. Things were going by her so fast and then she was trying to do hand motions. I mean, one arm was handcuffed, but she was motioning things going by her in a rapid motion.

Then I asked her -- she actually said that she wanted the car to take her as fast as it would go.

Signorelli - Direct/Mattei 89

1 She drove down as fast as the car would take her, and I
2 asked her if she saw the pedestrian. That's when she
3 replied, "I saw him and then he was gone." After that
4 she said that she remembers striking the other car and
5 turning over, and then she kind of compared it to it
6 being in a movie, but she knew it wasn't, that it was
7 real.
8

9 She asked what was going to happen to her.
10 She asked about her girlfriend Tricia and started to
11 talk to me about how Tricia stood by her and how she
12 wants to marry Tricia.

13 She gave me a story as far as the other day
14 she was feeling down and she knew Tricia's mom was a
15 Christian lady so she asked Tricia if she could sit
16 down with her mother. And that Tricia and her mom had
17 gone into downtown Brooklyn and Tricia's mom got her a
18 bible and outlined a few passages and they read them
19 together.

20 Taliyah further explained that she feels
21 strongly about the church but doesn't like that they
22 won't accept her because she's a lesbian. She went on
23 to say that she should be able to go to church naked if
24 she wants to.

25 She had gone on to explain -- her and I had
26 gone on to talk about how lucky she was to actually

Signorelli - Direct/Mattei 90

survive the actual car accident and that I had to go and tell the pedestrian's family of the accident and how he had died, and she said that she couldn't believe she did this and she wishes she could go back and take him from the street.

She asked me what's going to happen to her and I explained to her that each case is different, that I really didn't know, but that in the immediate future that Police Officer Bartel was going to take her down to the precinct and she would probably be in there overnight and she would see the judge in the morning and the court process from there would go on.

I told her that I would go outside -- and I knew that her family was outside and I told her I was going to go outside and tell her family that she was okay.

At this time she reminded me that she wanted a glass of water, which I asked one of the nurses if they wouldn't mind bringing her a glass of water. I thanked her, I wished her luck and I left.

Q Approximately how long did you speak to her?

A About an hour and a half. A little bit more.

Q And can you describe the flow of the conversation with her?

Signorelli - Direct/Mattei 91

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2 A It was -- it flowed very normally. It was a
3 normal conversation. There was no real strain to
4 retrieve information. She did a lot of the talking. The
5 questions that I did ask I kind of interjected and asked
6 her specifics.

7 Q I mean, did you ask her specifically about
8 her family relationships or her relationship with a
9 girlfriend or a boyfriend or a male, anything like that?
10 Did you ask her any of those particular questions or she
11 just volunteered them to you?

12 A I had no reason to ask her about those
13 questions. She volunteered them.

14 Q And, I mean, did you know anything about
15 the studio or her recording a rap album or did you know
16 where the studio was that she started out from or did she
17 just volunteer that to you?

18 A I had no idea about the studio or the dispute
19 with her mother prior to that.

20 I had no idea what route she had taken from
21 the mother's house, which later on I looked at a map
22 and it was a reasonable route that she had taken. She
23 was able to recall that and tell me which way she had
24 come from.

25 Q Did she ever appear to be in pain during this
26 interview?

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A No.

Q Did she ever ask for a nurse or medical attention?

A No.

Q And can you describe her voice for the judge when she was talking to you about this whole series of events?

A They were normal pitch changes when she had spoken to me and explained certain portions of the incident. You know, her voice would get a little agitated as far as trying to explain her frustration as far as the recording studio.

When she explained about wanting to take it all back, it appeared to me like it was a reflective kind of thing. She quieted down a little bit.

As far as her explaining if she was injured or anything, the nurse had popped her head in, I think, twice during our interview, Is everything okay, and just kind of turned around and walked back.

Q At any time did she not talk to you and go off into silence or gaze off or do anything other than speak to you while you were there?

A No.

I would probably say that the longest pause that she had during the conversation was the beginning of

Signorelli - Cross/Renfroe 93

it, what happened. The incident was kind of like a deep breath and then all of a sudden this whole story started to come out and just flow.

Q Did you threaten her at any time?

A No.

Q Coerce her?

A Not at all.

Q Did you offer her anything to tell you this story?

A No.

Q And did she appear to understand the questions that you asked her when you asked them?

A Yes.

Q Did her answers match your questions?

A Yes.

MR. MATTEI: I have no further questions at this time, judge.

THE COURT: Mr. Renfroe?

MR. RENFROE: Thank you.

CROSS-EXAMINATION

BY MR. RENFROE:

Q Good afternoon, detective.

A Good afternoon, counselor.

Q That day was the first day you spoke with Miss Taylor; is that correct?

Signorelli - Cross/Renfroe 94

A Correct.

Q What time was it that you spoke to her?

A It was in the early morning. It was about 1:45 in the morning.

Q And did she mention to you when you were taking the statement that she had a deceased father?

A She just said that her father was killed.

Q And did she indicate to you that her father would help take her into a positive direction? Do you remember that?

A She said that the song which was attributed to her father, if she got that message out it would be positive and she'd be able to make money off of that.

Q Did she ever say that the father would influence her in a positive direction? Do you remember that? Did she ever say that?

A I don't recall that, no.

Q Now, she indicated that at some point she took off her clothing?

A Correct.

Q And at some point she stripped her nephew of his clothing?

A Yes.

Q Did she ever tell you something about that there were all these evil influences that she had to

Signorelli - Cross/Renfroe 95

deal with?

A Yes.

Q And at some point she said you were an angel?

A That was at the end of the conversation.

You know, the way I interpreted it was -- what she said at the end of the conversation was, You know, you're like an angle. I said, Well, you know, this is what has to be done. It has to be done the right way.

THE COURT: I'm sorry, I don't understand that.

THE WITNESS: You know, it was kind of like -- my interpretation of it was when she had finished talking she felt better about talking about it. That she had been frustrated that no one listened to her.

THE COURT: When she said you were an angel, did you think that she meant you were really an angel?

THE WITNESS: No.

THE COURT: What you're trying to say --

THE WITNESS: I interpreted it as being figuratively.

THE COURT: Did you interpret it to mean

Signorelli - Cross/Renfroe 96

that you were being kind to her, in that sense an angel to her?

THE WITNESS: Correct.

THE COURT: To give her an opportunity to talk about the things she wanted to talk about?

THE WITNESS: Yes.

Q Did she ever say to you that she felt when she took a little alcohol and took Ecstasy her father was able to influence her in a positive direction? Do you remember that?

A A little bit of it, yes.

Q And when she said that, she had just before that told you her father was dead though?

A Yes.

Q Now --

THE COURT: Just so I'm clear on that, when she was talking about that, when she was talking about it, did you believe that she was talking about it in the sense that her father actually was with her and appeared to her?

THE WITNESS: No.

I interpreted it as being spiritual, you know, that the memory --

THE COURT: Like a guidance, the memory was like a guidance to her?

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THE WITNESS: Yes.

THE COURT: Continue, counsel.

Q Before you spoke to Miss Taylor, did you speak to any of the other officers?

A I spoke to Police Officer Bartel -- well, I spoke to a lot of officers before I spoke to her. Pertaining to what?

Q Well, let's start with who did you speak to? The ones you remember.

A Okay.

I spoke to my supervisor. I spoke to my partner. I spoke to a few of the precinct officers that were at the scene. I spoke to Police Officer Bartel. I briefly spoke to Police Officer Granda.

And that's about all that I can really recall right now, but I'm sure along the way --

Q When you spoke to them, did they tell you at the time that at some point she had appeared incoherent?

A No.

Q They told you she was naked at the scene?

A Yes.

Q Did they tell you at some point that she was agitated and combative?

A Yes.

Q And when you saw her she didn't exhibit any of

Signorelli - Cross/Renfroe 98

A No.

A Probably about two hours.

THE WITNESS: I saw her about 1:45. I started the questioning about 2 o'clock.

Q Now, you indicated that you gave her the
Miranda warnings; is that correct?

Q Did she sign the form or you just read them to her?

Q And did you have a blank form with you or just --

Q So you have no notations that she signed the form and indicated that she would talk to you; is that fair?

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If she had made any answers other than a yes answer, I would have made a notation of it. Just normal -- my normal course of business is if it's anything other than a yes, I would write no and any questioning is no longer going to take place.

Q And you were called to the scene based on the seriousness of the case?

A Correct.

Q And that was to see if she wanted give a statement; is that correct?

A No, I was called to the scene to conduct an accident investigation. Then my partner -- earlier in the night we had come to an accident on the Staten Island Expressway. We were all at an accident investigation. From leaving that scene, within fifteen minutes we were called to the secondary location. I just happened to be the first one that responded and got onto the scene and that's how it all transpired.

Q And because you were first on the scene, you were selected to go to the hospital to interview her?

MR. MATTEI: Objection.

THE COURT: Why did you go to the hospital?

THE WITNESS: Well, I had the case earlier then on the Staten Island Expressway and

Signorelli - Cross/Renfroe 100

now it just alternates. I was the lead investigator on that. My partner would be the lead investigator on the Forest Avenue job. So he remained at the scene to collect all the evidence, interview any witnesses that might have been in any of the stores or businesses and which is easy entry to leave because he was talking to a lot of different people.

Not that I wasn't doing anything, but I wasn't doing anything that was of paramount importance. The sergeant just said, You just go to the hospital.

MR. RENFROE: Your Honor, can I take one second to speak with the District Attorney?

THE COURT: Certainly.

MR. RENFROE: May I see the form 301 that was put into evidence?

THE COURT: What's been deemed marked Exhibit 4.

MR. RENFROE: Yes.

THE COURT: I assume, Mr. Renfroe, you received these documents?

MR. RENFROE: Yes, I believe I have. I just wanted to double check.

MR. MATTEI: I believe I put it on the record this morning, your Honor.

Signorelli - Redirect/Mattei 101

THE COURT: I understand that. I just want to make sure he received this.

MR. RENFROE: I'm just double checking.

(Short pause.)

Q And after you spoke with Miss Taylor --

THE COURT: What's been introduced as Exhibit 4, the original documents.

THE WITNESS: Yes.

THE COURT: As opposed to copies that you received.

MR. RENFROE: Yes.

Q After you spoke to her at St. Vincent's Hospital, did you speak to her again?

A No.

MR. RENFROE: I have no further questions of the witness.

THE COURT: Counsel?

REDIRECT EXAMINATION

BY MR. MATTEI:

Q With regard to how the defendant was situated when you saw her, she was handcuffed, I believe you indicated.

A Correct.

Q Did the hospital place any other restraints on her?

Signorelli - Redirect/Mattei 102

MR. RENFROE: Objection.

THE COURT: Sustained, counsel.

MR. MATTEI: Okay. No further questions,
judge.

THE COURT: You can step down, unless you
have any other questions.

MR. RENFROE: No, your Honor.

(Witness excused.)

THE COURT: Counsel, approach.

(Whereupon, an off the record discussion
was held at the bench among the Court and counsel,
after which the proceedings continued as follows;)

THE COURT: We had a bench conference, at
which time there was -- that would be in the nature
of an offer of proof with respect to the testimony
of Dr. Wang.

Even though the People haven't rested
with respect to their burden of going forward
during the course of the hearing, I believe they
don't have any objection to calling Dr. Wang out
of order in the sense that he is here and there may
be some financial situation with respect to his job
that could be a hardship to him if he had to come
back. So even though we are not there yet, do the
People have any objection to calling him out of

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order?

MR. MATTEI: No, judge.

THE COURT: In which case the objection the People have, I suspect, would be the relevance of his testimony with respect to the issue I have before me now, that being the Huntley issues?

MR. MATTEI: Yes, your Honor.

THE COURT: So, Mr. Renfroe, you want to call Dr. Wang?

MR. RENFROE: Yes, your Honor.

THE COURT: Just so the record is clear, I'm going to allow you to call him. I'm going to briefly question him myself to see whether or not the information that he would be testifying to would, in fact, be relevant to the issues that we have before us for the purpose of this hearing.

Now, this obviously is not an offer of proof dealing with what he may or may not testify to at trial, but specifically what we are dealing with now.

So we can send Dr. Wang in, please.

DR. R-I-C-H-A-R-D W-A-N-G, having been called as a witness by and on behalf of the defendant, having been duly sworn by the clerk of court, was examined and testified as follows:)

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2 THE CLERK: For the record, please state
3 your name, spell your last name and provide your
4 professional affiliations.

5 THE WITNESS: My name is Richard Wang,
6 W-A-N-G. I'm an attending psychiatrist on the
7 faculty of the New York Medical College and I work
8 as a psychiatrist at the Westchester County jail.

9 THE COURT: Slowly and clearly so that I
10 can understand you, okay?

11 THE WITNESS: Yes.

12 THE COURT: Who do you work for?

13 THE WITNESS: I'm hired by the New York
14 Medical College in Valhalla, New York, and I work at
15 the Westchester County jail.

16 THE COURT: So you work for the state?

17 THE WITNESS: I work for a private
18 medical school that contracts with the County of
19 Westchester to provide psychiatrists for treatment
20 of inmates.

21 THE COURT: And that's the issue that you
22 have with respect to whether or not you would be
23 paid for today if you took the day off?

24 THE WITNESS: Yes.

25 THE COURT: So you're not a state employee
26 per se?

Proceedings

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1 THE WITNESS: No.

2
3 THE COURT: You would be considered an
4 independent contractor of the state?

5 THE WITNESS: Not even of the state, of
6 the County of Westchester.

7 THE COURT: Okay.

8 Well, you're here to testify with respect
9 to Miss Taylor, the defendant in this case.

10 THE WITNESS: Yes.

11 THE COURT: I assume you're aware of
12 that?

13 THE WITNESS: Yes.

14 THE COURT: The questions I have for you
15 deal with whether or not any testimony you would
16 provide to me for purposes of this hearing would
17 have to do with what her mental state was at the
18 time that this incident occurred, and also by that
19 mean not only when the accident occurred but when
20 she was in the hospital speaking to the police
21 officers.

22 Do you have any direct testimony with
23 respect to that?

24 THE WITNESS: I could only testify to what
25 I examined in Miss Taylor starting on October 23rd
26 of '06, although I believe the accident happened

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1
2 several days before.

3 THE COURT: So then the answer to do you
4 have any direct testimony with respect to that would
5 be what?

6 THE WITNESS: No.

7 THE COURT: And then what I would like to
8 know is whether or not your examinations of her
9 could give me any insight as to what her mental
10 state was at the time she was in the hospital
11 speaking to the police officers.

12 THE WITNESS: I don't believe she spoke to
13 the police officers in the hospital.

14 THE COURT: You don't believe she spoke to
15 the police officers in the hospital?

16 THE WITNESS: I don't think so.

17 THE COURT: So my question is: Is there
18 anything you could testify to with respect to what
19 her mental state was when she spoke to the police
20 officers in the hospital?

21 THE WITNESS: I can only deduce, but I
22 have no direct contact with any conversation she had
23 with the police.

24 THE COURT: You don't even have any
25 information that she even had a conversation in the
26 hospital with the police?

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2 THE WITNESS: That's correct. I'm
3 not aware that she had any conversation with the
4 police.

5 THE COURT: Obviously, you weren't there?

6 THE WITNESS: Right.

7 THE COURT: And none of your conversations
8 with her would indicate to you that she indicated --
9 strike that.

10 None of the conversations you had and none
11 of the things she told you would even indicate
12 to you there even was such a conversation?

13 THE WITNESS: That's correct.

14 THE COURT: To ask you whether or not you
15 can tell me about her mental state when she had
16 those conversations would be irrelevant because you
17 don't even know of those conversations?

18 THE WITNESS: I can only tell you of her
19 mental state on the days that I examined her. If
20 those happened to coincide with the days she was
21 seen by the police, maybe it has some relevance.

22 THE COURT: The days we are talking about
23 are October 18th and October 19th of 2006.

24 THE WITNESS: I hadn't even met Miss
25 Taylor at that point.

26 MR. RENFROE: May we approach?

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2 THE COURT: I'll give you an opportunity
3 to ask some questions in a moment, but I want to
4 satisfy my own curiosity and understanding of what
5 the relevance might be.

6 The other two things I wanted to know,
7 just so the record is absolutely clear, is how many
8 examinations of Miss Taylor did you perform or
9 conduct?

10 THE WITNESS: I saw her every day she was
11 in the hospital, Monday through Friday. I did a 730
12 examination for her.

13 THE COURT: Well, you did two, didn't
14 you?

15 THE WITNESS: I did one and a colleague
16 did the second.

17 THE COURT: How many reports did you
18 prepare?

19 THE WITNESS: One report.

20 THE COURT: And in your report you found
21 her unfit to proceed?

22 THE WITNESS: That's correct.

23 THE COURT: Did you subsequently find her
24 fit to proceed?

25 THE WITNESS: No, I did not.

26 THE COURT: But one of your colleagues

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did?

THE WITNESS: I believe another doctor
did.

MR. MATTEI: Judge, could we approach?

THE COURT: You'll have an opportunity
to ask a few questions. We'll start with Mr.
Renfro.

MR. MATTEI: Judge, could we just
approach before that?

THE COURT: Yes.

(Whereupon, an off the record discussion
was held at the bench among the Court and counsel,
after which the proceedings continued as follows:)

THE COURT: Doctor, you're still under
oath.

Doctor, did you ever evaluate the
defendant as to whether she would have or not have
had the capacity to make a knowing and voluntary
statement to the police?

THE WITNESS: No.

THE COURT: Counsel?

MR. RENFROE: Thank you.

May we step up again?

THE COURT: Go ahead.

(Whereupon, an off the record discussion

1 Wang - Cross-Mattei 110

2 was held at the bench among the Court and counsel,
3 after which the proceedings continued as follows:)

4 MR. RENFROE: I have no questions for Dr.
5 Wang at this time.

6 THE COURT: Thank you, counsel.

7 Do you have a couple of questions you
8 wanted to ask the doctor with respect to what he's
9 testified to?

10 MR. MATTEI: Yes.

11 THE COURT: Go ahead.

12 CROSS-EXAMINATION

13 BY MR. MATTEI:

14 Q Doctor, were you contacted at any time in
15 early 2007 to come here for a hearing with regard to
16 her 730 exam that you had done?

17 A I don't believe so.

18 Q So, it would be incorrect to say that you
19 found that she was fit at some point after the 730 exam
20 you conducted with Dr. Pabon?

21 A Can you restate the question?

22 Q Did you ever tell anybody in anticipation of
23 coming to testify at a 730 hearing that you now thought
24 she was fit?

25 A I don't recall.

26 Q You don't recall or you didn't say that?

1 Wang - Cross-Mattei 111

2 You might have said that?

3 A I don't recall saying it. It's possible that
4 I did say it.

5 THE COURT: If you said something like
6 that, would you have written it down or made any
7 notes about it?

8 THE WITNESS: I'm not sure. Possibly.

9 THE COURT: Do you keep notes about your
10 diagnoses?

11 THE WITNESS: Yes.

12 THE COURT: Is whether or not somebody is
13 fit or unfit to proceed a diagnosis?

14 THE WITNESS: No.

15 THE COURT: Some sort of finding of some
16 sort?

17 THE WITNESS: Not in the medical record
18 usually.

19 THE COURT: So you would not keep a note
20 with respect to that?

21 THE WITNESS: Typically not.

22 THE COURT: That seems quite odd, doctor,
23 that you would have that kind of position about
24 someone and not write it down anywhere.

25 There's no place you would write that
26 down?

Wang - Cross-Mattei

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THE WITNESS: As the treating psychiatrist, our interests are in diagnosis and treatment. However, the question of competency to proceed with trial is not really of our utmost concern.

If a judge was to ask us to give an opinion and to write a report, we may do that.

THE COURT: That's not my point.

THE WITNESS: Well, if --

THE COURT: Stop.

You've already testified you wrote a report finding her unfit. If at some point you would change that position and say that she was now fit, you don't think it would be important to memorialize that at any point? That simply off the cuff mentioning of it to someone where you now don't even remember if you did or didn't is the proper way to memorialize that?

I'm just incredulous as to that being the situation. If that's your normal practice, then I guess it is. It just seems to me to be somewhat incredulous.

THE WITNESS: It's not the normal practice to put that in a medical record.

THE COURT: Doctor, that's not what I'm

Wang - Cross-Mattei

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asking you.

I'm asking you whether or not you would turn to a colleague and say that someone that you previously found unfit to proceed is now fit to proceed and never think of memorializing that in any way to anyone to such an extent that you currently come in here and tell me under oath that you have no recollection of ever having said it or not said it. That's what seems to be somewhat incredulous. That's the question.

THE WITNESS: Okay.

I don't recall it. That's really the answer.

THE COURT: Counsel, any further questions?

MR. MATTEI: Yes.

CROSS-EXAMINATION

BY MR. MATTEI: (Continued)

Q You did a 730 exam?

A Yes.

Q On December 6 of 2006?

A That's correct.

Q And did you take notes during the course of that 730 exam?

A I did.

1 Wang - Cross-Mattei 114

2 Q Where are they?

3 A At Elmhurst Hospital.

4 Q Were you asked by Mr. Renfroe prior to today
5 if you had taken notes?

6 A No, he asked if I had records in my
7 possession.

8 Q He didn't ask you if you had taken any
9 notes?

10 A No.

11 Q So, you did a 730 exam and --

12 THE COURT: Doctor, do you have any
13 notes?

14 THE WITNESS: I do not.

15 THE COURT: Not in your possession. At
16 all. Do you have notes about this case?

17 MR. RENFROE: Your Honor, may we approach
18 very briefly?

19 THE COURT: No.

20 Do you have notes about this case?

21 THE WITNESS: Yes.

22 THE COURT: You are ordered to produce
23 those notes to the Court. I want a copy of all of
24 those notes.

25 THE WITNESS: Your Honor --

26 THE COURT: No, you're ordered to produce

Wang - Cross-Mattei

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them to the Court.

THE WITNESS: I have no access to those notes. I don't work at that facility.

THE COURT: Then you'll call someone up there and get them. I want a copy of your notes.

THE WITNESS: Those notes are protected health information that I don't own. They are owned by Miss Taylor herself.

THE COURT: It's a statutory protection. I'm not divulging those notes to anyone. I'm asking you to produce your notes to me so I can review them and see if there's anything in those notes that might be very important in a murder case.

THE WITNESS: Your Honor, I will try. However, I can tell you that it's going to be very difficult. They will not produce them to me.

MR. RENFROE: May we approach?

THE COURT: Yes.

(Whereupon, an off the record discussion was held at the bench among the Court and counsel, after which the proceedings continued as follows:)

THE COURT: Back on the record.

MR. RENFROE: Doctor, the records from Elmhurst Hospital, the little notations which are what I gave you, are those the notes we are talking

Wang - Cross-Mattei

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about?

THE WITNESS: No. You didn't give me records from Elmhurst. You gave me records from Rikers Island.

MR. RENFROE: Are the notes you're talking about different from those?

THE WITNESS: Yes.

Q Those are your handwritten notes taken contemporaneously while you interviewed the defendant on December 6, 2006 for her 730 exam?

A Those were not produced to me.

Q But those are the notes that I'm asking you if you took.

Did you take notes contemporaneous with your interview of the defendant on December 6, 2006 so as to prepare your 730 report?

A Yes.

Q Where are those notes now?

A They are at Elmhurst Hospital.

Q And is there any reason that those notes are not in the records from Elmhurst Hospital?

MR. RENFROE: Judge, how is he -- I'm going to object. First of all, he's yelling at the witness.

THE COURT: Let's not yell at any

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2 witnesses.

3 Q On December 6th of 2006 when you did this
4 exam, the 730 exam, did you make any notes in the records
5 of Elmhurst Hospital, the initial records?

6 A No.

7 Q So you did not put anything about your
8 questions and her answers --

9 THE COURT: Stop. Stop.

10 When you interviewed Miss Taylor at
11 Elmhurst Hospital, you took notes for the 730
12 examination?

13 THE WITNESS: Yes.

14 THE COURT: Did you leave those notes in
15 the file of the hospital?

16 THE WITNESS: They are in a separate file
17 from the regular medical records.

18 THE COURT: Where are those notes?

19 THE WITNESS: On the forensic unit of
20 Elmhurst Hospital.

21 THE COURT: Are they under Miss Taylor's
22 name?

23 THE WITNESS: Yes.

24 THE COURT: So if the hospital was
25 supposed to turn over all the notes on Miss
26 Taylor, they are supposed to turn over those

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2 records because you're saying they have them?

3 THE WITNESS: Yes.

4 THE COURT: So then they are in the
5 forensic unit and maybe they didn't get handed
6 over because the forensic unit is a different
7 unit.

8 In any event, the hospital already
9 received a subpoena. They were already ordered by
10 this Court to turn them over. There's no HIPAA
11 violation with respect to that. That's been decided
12 already. There's no confidentiality or privilege
13 that prevents that from being handed over here.
14 That's been decided.

15 So if those notes are in a different
16 portion of the hospital than where they keep their
17 general medical file, then the hospital will have
18 to be contacted and those notes, which should have
19 been handed over when the original so-ordered
20 subpoena was served on the hospital, should now
21 then be handed over to you. And then if you
22 wanted to hand up another so-ordered subpoena,
23 I'd be happy to sign it, although the original
24 subpoena should cover that.

25 MR. RENFROE: I don't want you to
26 think --

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THE COURT: Counsel, am I suggesting
that --

MR. RENFROE: Or that Dr. Wang is doing
anything.

THE COURT: I'm not suggesting you did and
I'm not suggesting the doctor did. It appears that
the hospital didn't know where they keep their
notes.

MR. RENFROE: That's my point.

THE COURT: But if Dr. Wang had the
notes, I would have wanted to know where they
were.

Apparently, you don't have them.

THE WITNESS: I do not have them.

THE COURT: They would be in the forensic
unit, and if the forensic unit has them, counsel,
give me a subpoena and I'll sign it. They probably
were ordered to do it. If you want to call them up
and tell them that they should, you can. But if
you want to serve another subpoena, go ahead. We
have time before we are going to begin the jury
selection in this case. If those notes indicate
something that's either relevant to this hearing,
although I don't think there will be anything in
that that would be, but if in fact there is, or

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2 something relevant to any defenses or examinations,
3 you'll bring it to my attention and we'll deal
4 with that.

5 But at this point, how many pages of notes
6 are we talking about, doctor?

7 THE WITNESS: Possibly two or three.

8 CROSS-EXAMINATION

9 BY MR. MATTEI: (Continued)

10 Q Did Doctor Pabon take notes at the same
11 time?

12 A I believe he took notes. I don't know where
13 they are.

14 THE COURT: Sustained. I don't know if he
15 would know if Dr. Pabon took notes.

16 Q Did you do a joint interview with Dr. Pabon?

17 A We examined her at the same time in the same
18 room.

19 Q Did one of you read the charges to her?

20 A Yes.

21 Q Either you read them or Dr. Pabon read them?

22 A Yes.

23 Q You asked a question and Dr. Pabon asked the
24 same question. It was a joint interview, correct?

25 A It was a joint interview.

26 Q And Dr. Pabon is a psychologist, correct?

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2 A Yes.

3 Q He took his own notes in this meeting?

4 A I believe he did.

5 Q They would also be part of Elmhurst Hospital's
6 records?

7 A They should be.

8 Q What other records are generated in the
9 forensic department with regard to a patient such as
10 Miss Taylor that do not appear in the general record?

11 A In the forensic unit there are separate files
12 kept for things such as the 730 order, the copy of any
13 730 examination, the notes from any 730 examination and
14 any police records we may have received.

15 Q Anything else?

16 A Depending on the case. It could be a
17 different type case that has nothing to do with 730,
18 but those are generally court records that are kept
19 separate from the medical record.

20 Q When you did your 730 exam, did you do it all
21 in one shot or did you have one draft or two drafts of
22 the report before you did it?

23 A It was done in one shot.

24 Q All five, six, seven pages, whatever it was?

25 A Yes.

26 THE COURT: Hold on a moment.

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1 The point is, doctor, I have to make some
2 serious decisions about certain things in this case
3 and I need help to do that. So I need all the
4 information that I could find to make sure that I
5 make the right decision, the same way you would need
6 all the information when you try to make the right
7 decision in what you do. So, when I don't have all
8 the notes that I need to help me make decisions or
9 when I don't have proper guidance, it makes it much
10 more difficult.
11

12 I don't mean to seem curt to you in any
13 way or disrespectful, but it's just that I need all
14 the help that I can get to make sure I do the right
15 thing, the same way you need all the information to
16 do the right thing.

17 I assume you understand.

18 THE WITNESS: I understand.

19 THE COURT: I don't want you to think we
20 are being curt. It's just we need all this
21 information. The People have been looking for this
22 information for months and months and months. They
23 received, after a long while, some information from
24 the hospital. But apparently now they haven't
25 received it all and it's necessary to proceed with
26 this that they receive everything.

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2 THE WITNESS: I would like to help you,
3 however, I'm limited as I do not work at the
4 hospital and I don't own the records.

5 THE COURT: I understand that. You're
6 not there now, but you did work there at one
7 point.

8 THE WITNESS: Yes.

9 THE COURT: I understand that you've moved
10 on to a different situation.

11 In any event, counsel, proceed.

12 Q With regard to the questions that your
13 Honor asked you before, did you ask her at any time
14 any questions with regard to a waiver of rights?

15 A I did not.

16 Q Did you ask her at any time --

17 THE COURT: Well, I think we've been over
18 that, counsel.

19 MR. MATTEI: Okay.

20 Q So, did you ask her or did she tell you
21 anything with regard to the incident in question?

22 A She told me that she did not recall the
23 incident.

24 Q And did you do separate toxicology reports
25 on her at your hospital?

26 A I don't recall.

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2 Q You were the director at that time of the
3 forensic unit, right?

4 A Yes.

5 Q And is it the normal course to do testing for
6 the forensic unit, toxicology testing or any type of
7 testing?

8 A Typically, when someone comes in through the
9 emergency room to psychiatry, they have urine tested
10 for toxicology.

11 Q Would that be the forensic department records
12 or the general medical records?

13 A General medical records.

14 Q What else would there be that is generated by
15 the hospital, in particular by the forensic unit, which
16 you were in charge of? What else would there be? What
17 else would be in their records?

18 You said there might be three files. What
19 are those files?

20 A I'm sorry, I don't recall saying there were
21 three files.

22 Q How many files are there?

23 A There's the general medical record and then
24 there's a record kept on the forensic unit for court-
25 ordered evaluation.

26 Q Inside the forensic unit that's the only file

1 Wang - Cross-Mattei 125

2 you keep?

3 A Yes.

4 Q So if there was no court-ordered examination,
5 the forensic unit would not have any separate files or
6 records?

7 A If there was no court-ordered evaluation,
8 there might be a record showing what the person was
9 arrested for and which court they went back to.

10 Q And how about other things generated by
11 doctors in the forensic unit?

12 A No, there are no other separate filing systems
13 for those records.

14 Q Did you give --

15 THE COURT: I'm going to stop you.

16 Did you ever receive a court order or a
17 subpoena to produce all your notes?

18 THE WITNESS: For this case?

19 THE COURT: Yes.

20 THE WITNESS: Yes, about two weeks ago.

21 THE WITNESS: When you received that
22 subpoena and that subpoena said to you to produce
23 all your notes on this case, did you think that it
24 was something other than all your notes?

25 THE WITNESS: Your Honor --

26 THE COURT: Answer the question. I'm

1 Wang - Cross-Mattei 126

2 starting to feel like maybe --

3 MR. RENFROE: May we approach for a
4 second?

5 THE COURT: No. I have a feeling that
6 we are being a little semantic here because I don't
7 think the term -- I ordered all your notes to be
8 handed over. To violate my order is a crime, and
9 I'm sure you understand.

10 THE WITNESS: I do.

11 THE COURT: But to violate my order is a
12 crime. I will assume you're aware of that.

13 THE WITNESS: Yes.

14 THE COURT: So when I ordered all of your
15 notes, what part of the "all of your notes" did you
16 not understand that you were to produce?

17 THE WITNESS: I'm in possession of --

18 THE COURT: No, no, no. Which part of
19 "all of your notes" did you not understand?

20 THE WITNESS: None. I understood.

21 THE COURT: So then you believed that the
22 notes you had somewhere else that were your notes
23 were not all of them? Explain to me because I'm
24 trying to get to the bottom of this.

25 When I sign an order to tell someone to
26 produce all of something, it doesn't mean part of

1 Wang - Cross-Mattei 127

2 something. It means all of something. And to not
3 obey my order, doctor, is a crime.

4 You're going to leave here today and
5 you're going to assist this District Attorney in
6 getting all of your notes to him as quickly as
7 possible.

8 THE WITNESS: I will.

9 THE COURT: That means today. Is that
10 clear?

11 THE WITNESS: I will do the best of my
12 ability.

13 MR. RENFROE: Your Honor, may we approach
14 for one second?

15 THE COURT: Yes.

16 (Whereupon, an off the record discussion
17 was held at the bench among the Court and counsel,
18 after which the proceedings continued as follows:)

19 THE COURT: Doctor, why didn't you hand
20 over those other records?

21 THE WITNESS: I believed what you
22 were asking for was if I had any records in my
23 possession, which I did not.

24 THE COURT: So you're going to help the
25 D.A. and the defense counsel get those other
26 records?

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THE WITNESS: I certainly will. I'll direct them to the correct person to call and direct them to those records.

THE COURT: Doctor, you can leave.

We will get those records. If I need Dr. Wang for any further portion of this hearing, fine.

Dr. Wang, I want you to make yourself available in case we need you. We are going to continue this hearing tomorrow at 2.

MR. MATTEI: Can I ask if we have a schedule here or an idea of what Dr. Wang is actually going to do or not do?

THE COURT: He's going to get us those records.

MR. RENFROE: He can't do it. We have to do it because he doesn't work at the hospital.

THE COURT: He'll tell you who to call.

MR. RENFROE: You can't put the onus on Dr. Wang to get the records.

THE COURT: Mr. Renfroe, he just told me he's going to help you the best he can.

MR. RENFROE: That's different than --

THE WITNESS: The best I can. Whether or not they listen to me is another thing.

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1
2 MR. RENFROE: Since I know this, I'll
3 bring an order to show cause on the director of
4 Elmhurst Hospital, but he has nothing to do with
5 that.

6 THE COURT: Mr. Renfroee, you have a HIPAA
7 waiver. If you give the doctor the HIPAA waiver, he
8 can go down there and pick them up right now. He
9 can just go there and get them. Or if he faxes a
10 copy of the HIPAA waiver, they can fax them to him.
11 I don't want this dragged out.

12 MR. RENFROE: Judge, I understand.

13 THE COURT: Right, doctor? If you have a
14 HIPAA waiver, can you go to the hospital now and
15 pick up those records?

16 THE WITNESS: I've never tried. I will
17 try.

18 THE COURT: Thank you.

19 We are going to work on this right now.
20 We will come back tomorrow at 2 and hopefully at
21 that point everybody will have the records that
22 they need.

23 Thank you, doctor. I appreciate it.

24 THE WITNESS: You're welcome.

25 (Witness excused.)

26 THE CLERK: Same bail conditions, your

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Honor?

THE COURT: Same bail conditions

(Whereupon, the hearing was adjourned to
September 30, 2008.)

* * * * *

Certified to be a true and accurate transcription of
the original stenographic record.

Nanette Cantwell

NANETTE CANTWELL, Senior Court Reporter